

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION  
CASE NO: 7:18-CV-00186-HL

JEFFREY STEPANOVICH,

Plaintiff,

vs.

KEN CORBETT FARMS, LLC, A  
GEORGIA LIMITED LIABILITY  
COMPANY,

Defendant.

-----  
DEPOSITION OF  
KENNETH CORBETT

Thursday, January 23rd, 2020  
Commencing at 1:21 p.m.  
Concluding at 3:08 p.m.

Law Office of Gregory A. Voyles, PC  
1008 N. Patterson Street  
Valdosta, Georgia 31603

Reported by Michelle Subia, RPR, CCR

1 APPEARANCES:

2 APPEARING TELEPHONICALLY FOR THE PLAINTIFF:

3 NOAH E. STORCH, ESQUIRE  
4 Richard Celler Legal, PA  
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9 APPEARING FOR THE DEFENDANT:

10 DESTINY S. WASHINGTON, ESQUIRE  
11 Ford Harrison  
12 271 17th Street NW  
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17 Also Present: Gregory A. Voyles, Esquire  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS

PAGE

KENNETH CORBETT

Examination by Mr. Storch

4

Examination by Ms. Washington

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- - -

1 (Witness sworn)

2 KENNETH CORBETT,

3 having been produced and first duly sworn,

4 testified as follows:

5 EXAMINATION

6 BY MR. STORCH:

7 Q All right. Good afternoon, sir. My name  
8 is Noah Storch. I represent Mr. Stepanovich. I'm  
9 definitely having trouble switching from Stepanovich  
10 to Stepanovich (as to pronunciation), but we'll get  
11 through that.

12 Can you state and spell your name for the  
13 record, please?

14 A K-e-n-n-e-t-h C-o-r-b-e-t-t.

15 Q Okay. And before we begin, we are taking  
16 your deposition both as to your individual capacity  
17 and your individual knowledge, but also as the  
18 corporate representative of the defendant, Ken  
19 Corbett Farms, LLC.

20 Do you understand that?

21 A Yes.

22 Q Okay. Can you tell me, sir, when did Ken  
23 Corbett Farms, LLC first become formed?

24 A I think it was 1996.

25 Q And if I --

1           A     No, I'm sorry, I think it may have been  
2     2008.

3           Q     Is it '90s or 2008?

4           A     I think it was 2008.

5           Q     Okay. If I refer to Ken Corbett Farms,  
6     LLC as just Ken Corbett Farms, will you understand  
7     what I'm referring to?

8           A     Yes.

9           Q     Okay. And have you ever had your  
10    deposition taken before?

11          A     Yes.

12          Q     How many times?

13          A     A couple.

14          Q     When is the last time that you were  
15    deposed?

16          A     Goodness, it's been maybe three years ago,  
17    four years ago.

18          Q     Okay. Have you ever been deposed in an  
19    employment-related lawsuit?

20          A     No.

21          Q     Okay. I'm just going to go over a couple  
22    of ground rules so that we can get you out of here  
23    as quickly and as easily as possible, okay?

24          A     Okay.

25          Q     All right. So as you can see, there's a

1 court reporter that's taking down everything that's  
2 said today, so please do me a favor, answer out  
3 loud, oral responses only. The court reporter can't  
4 take down things like shoulder shrugs or head nods,  
5 okay?

6 A Okay.

7 Q Please don't talk over me. I'll do my  
8 very best to allow you to finish your answer before  
9 I move on. And I will do my best also to not talk  
10 over you. Because if we start talking over each  
11 other, the court reporter is going to have a very  
12 difficult time, okay?

13 A Okay.

14 Q If at any time you need a break, please  
15 feel free to let me know, okay?

16 A Okay.

17 Q If you don't understand my question,  
18 please let me know, okay?

19 A Okay.

20 Q If you answer the question, I'm going to  
21 assume that you understood the question, okay?

22 A Okay.

23 Q What is your date of birth?

24 A 2/6/68.

25 Q February 6th, 1968, correct?

1 A Correct.

2 Q What is your current residential address?

3 A 1545 Highway 135 South, Lake Park, Georgia  
4 31636.

5 Q Was that 1545 Highway 135 South, Lake  
6 Park, Georgia?

7 A Yes.

8 Q How long have you lived at that address?

9 A Since 2009.

10 Q Does anyone live with you?

11 A My wife.

12 Q What is her name?

13 A Kimberly.

14 Q And does she work with you?

15 MS. WASHINGTON: Object to form. Can you  
16 clarify, Noah, what that means, what "work  
17 with" means?

18 MR. STORCH: Well, I think that's a pretty  
19 self-explanatory question.

20 BY MR. STORCH:

21 Q Does she work with you in any capacity?

22 MS. WASHINGTON: Object to form.

23 You can still answer it, though.

24 THE WITNESS: Yes, she works with me.

25 BY MR. STORCH:



1 Q Is she employed by Ken Corbett Farms?

2 A No.

3 Q Has she ever been employed by Ken Corbett  
4 Farms?

5 A No.

6 Q Do you have any children?

7 A Yes.

8 Q Are any of them minors?

9 A No.

10 Q What are your children's names?

11 A Justin, Jessica, and Jared.

12 Q Do any of your children work with you at  
13 Ken Corbett Farms?

14 A No.

15 Q Have any of your children ever worked for  
16 Ken Corbett Farms?

17 A Yes.

18 Q Who?

19 A Justin and Jared.

20 Q When did Justin work for Ken Corbett  
21 Farms?

22 A And Jessica as well, maybe. I don't  
23 know -- they're my kids -- over the period of time.  
24 I'm sure they probably did at some time or other.

25 Q Understood.

1                   When, to your recollection, did Justin  
2 work for Ken Corbett Farms?

3           A       I'm sorry, say that again.

4           Q       When, to your recollection, did Justin  
5 work for Ken Corbett Farms?

6           A       Up until last year.

7           Q       So up until 2019?

8           A       Yes.

9           Q       And just for clarification, does that mean  
10 that he worked in 2019 or his last year of working  
11 was in 2018?

12          A       He worked in 2019.

13          Q       And is he going to continue working for  
14 Ken Corbett Farms in 2020?

15          A       No.

16          Q       Why not?

17          A       Because Ken Corbett Farms has cut way back  
18 and I don't need anybody but myself.

19          Q       You don't have any employees?

20          A       There will be a few seasonal employees.

21          Q       We'll get back to Justin in a minute.

22               When did Jared work for Ken Corbett Farms?

23          A       That would be the same as Justin.

24          Q       Do you recall when Justin and Jared  
25 started working for Ken Corbett Farms?

1           A     No.  They're my kids, probably their whole  
2     lives.

3           Q     Okay.  So were they laid off?

4           A     I don't know if you would call it laid  
5     off.  They are no longer employees.

6           Q     Well, let me ask you this question.  Did  
7     you inform them that you didn't need them to work  
8     for Ken Corbett Farms any longer?

9           A     Yes, I'm sure.

10          Q     Do you recall when you informed them that  
11     their services would no longer be needed by Ken  
12     Corbett Farms?

13          A     No, I don't recall the exact time.

14          Q     Do you know what they're currently doing  
15     for work?

16          A     They're farming.

17          Q     Are they doing work for you or any of your  
18     businesses?

19          A     No.

20          Q     Are they doing work on any of your land?

21          A     Yes.  They rent land from -- well, they  
22     rent land from a corporation that I own.

23          Q     Did you meet with Justin and Jared in  
24     person to let them know that they would no longer be  
25     needed as employees of Ken Corbett Farms?

1           A     I'm sure it's in person. I see them  
2     daily. They're my kids.

3           Q     And you don't recall what you said to them  
4     when you told them that they would no longer be  
5     needed as employees of Ken Corbett Farms?

6           A     No.

7           Q     Do you recall what their reactions were,  
8     if any?

9           A     No. I'm sure they would have been proud  
10    of their father for being able to retire.

11          Q     Well, are you still working?

12          A     I'm sorry?

13          Q     Are you still working or are you retired?

14          A     I will work till the day I die. But it's  
15    because I want to, not because I have to.

16          Q     So what does that have to do with your  
17    kids being proud that you can retire?

18          A     They're proud that I don't have to work as  
19    hard as I used to.

20          Q     So are you choosing to cut back?

21          A     Yes.

22          Q     When did you make a decision to cut back?

23          A     God, I don't know. It's been a goal ever  
24    since I started having to work.

25          Q     I'm sorry, can you repeat that?

1           A       It's been my goal ever since I started to  
2 work.

3           Q       I understand that, but I'm trying to  
4 understand when you cut back.

5           A       2019.

6           Q       And why? What was the decision?

7           A       I've worked enough. I'm tired.

8           Q       Why not have one of your kids run the  
9 company so that you can actually retire?

10          A       I'm actually retired. I'm doing exactly  
11 what I want to do.

12          Q       Well, if you're retired, you're not  
13 working, correct?

14          A       I'm sorry?

15          Q       If you're retired, then you're not  
16 working, correct?

17          A       No. That depends on your definition of  
18 retirement.

19          Q       So your definition of --

20          A       My daddy retired and worked until he was  
21 77.

22          Q       So your definition of retirement means  
23 that you continue to work?

24          A       It means doing what I want to do.

25          Q       Are you doing the same thing now that you

1 were doing in 2018?

2 A Some of it, but everything on a much  
3 smaller scale.

4 Q You're still working, though, right?

5 A I'm still working whenever I want to work.

6 Q How do you serve your clients if you're  
7 just kind of working whenever?

8 A I'm sorry, repeat that.

9 MS. WASHINGTON: Object to form.

10 BY MR. STORCH:

11 Q How does Ken Corbett Farms serve its  
12 clients if you're just kind of working whenever you  
13 want?

14 MS. WASHINGTON: Object to form.

15 You can answer it, though.

16 MR. VOYLES: Did you hear what he said?

17 THE WITNESS: How do -- say that one more  
18 time.

19 MR. STORCH: Court Reporter, could you  
20 read back the question, please.

21 (Whereupon, the requested portion was read  
22 back.)

23 THE COURT REPORTER: It was very difficult  
24 to hear your question.

25 BY MR. STORCH:

1           Q     How does Ken Corbett Farms serve its  
2 clients if you work whenever you want?

3                   MS. WASHINGTON: Object to form.

4                   THE WITNESS: I just serve them whenever I  
5 want.

6 BY MR. STORCH:

7           Q     Does Ken Corbett Farms have -- strike  
8 that.

9                   Do you know how many clients Ken Corbett  
10 Farms currently has?

11          A     No, I have no idea. I would guess maybe  
12 four or five.

13          Q     Do you have any salesmen working?

14          A     No.

15          Q     When you did have salesmen that were  
16 working, do you know how many clients Ken Corbett  
17 Farms had?

18          A     Not exactly.

19          Q     What about approximate?

20          A     I would guess a couple hundred, maybe.

21          Q     How does Ken Corbett Farms make a profit  
22 with only about four or five clients?

23                   MS. WASHINGTON: Object to the form.

24                   You're misstating his testimony.

25 BY MR. STORCH:

1           Q     Well, let me ask you this question. Are  
2 you in business to lose money?

3           A     No.

4           Q     Does Ken Corbett Farms make a profit with  
5 only four or five clients?

6           MS. WASHINGTON: Object to form. You're  
7 misstating his testimony.

8           MR. STORCH: I'm not misstating anything.  
9 I'm asking if there's a profit from four or  
10 five clients.

11          MS. WASHINGTON: He never said he had four  
12 or five clients.

13          MR. STORCH: He most certainly said he  
14 believes that there's about four or five.

15          MS. WASHINGTON: Okay.

16          THE WITNESS: I don't know that I -- I  
17 feel like I could make money with one client.  
18 I don't know that you have to have one or  
19 10,000. I just need someone to buy my product.

20 BY MR. STORCH:

21          Q     Are you -- is Ken Corbett Farms selling  
22 more or less product now than it did in 2019?

23          A     Less.

24          Q     Is Ken Corbett Farms going to sell more or  
25 less product now than it did in 2018?



1 A Less.

2 Q Is Ken Corbett Farms selling more or less  
3 product now than it did in 2017?

4 A Less.

5 Q What about 2016?

6 A What about 2016?

7 Q Is Ken Corbett selling more or less  
8 product now than it did in 2016?

9 A Less.

10 Q Okay. Other than the year that Ken  
11 Corbett Farms came into existence, did Ken Corbett  
12 Farms sell more or less in 2020 than it did  
13 previously?

14 MS. WASHINGTON: Object to form.

15 If you understand it --

16 THE WITNESS: I don't understand it. You  
17 may have to write that one down. I'm having  
18 trouble following that.

19 BY MR. STORCH:

20 Q Has Ken Corbett Farms ever sold less than  
21 it is expected to sell in 2020?

22 A Probably not. I don't know. I would hope  
23 to sell more, but probably not.

24 Q Are you familiar with Jeff Stepanovich?

25 A Yes.

1 Q How do you know Mr. Stepanovich?

2 A He was employed by Ken Corbett Farms for a  
3 period of time.

4 Q Do you recall when he started?

5 A Maybe 2011.

6 Q Did you hire him?

7 A Yes.

8 Q Did Mr. Stepanovich have any cancer at the  
9 time you hired him?

10 A I don't know.

11 Q Did Mr. Stepanovich have cancer when you  
12 fired him?

13 A So he says.

14 Q So you knew that Mr. Stepanovich had  
15 cancer when you fired him?

16 A No.

17 Q I'm sorry, I don't understand what you  
18 mean "so he says." What does that mean?

19 A It means he said he had cancer when I  
20 fired him.

21 Q And your testimony is you didn't know  
22 that?

23 MS. WASHINGTON: Object to form.

24 BY MR. STORCH:

25 Q You can answer.

1           A     No. My testimony at the time I fired him,  
2     no, I did not.

3           Q     Tell me, when did you first find out about  
4     Mr. Stepanovich's cancer?

5                     MS. WASHINGTON: Object to form.

6                     But you can answer.

7                     MR. STORCH: What's wrong with that  
8     question? I'm asking him when he found out  
9     about something.

10                    THE WITNESS: I will --

11                    MS. WASHINGTON: I'm, sorry, let me  
12     respond.

13                    THE WITNESS: Okay.

14                    MS. WASHINGTON: The problem with the  
15     question is that it -- he stated that he -- his  
16     response to your question about him knowing  
17     Mr. Stepanovich had cancer was "so he says."  
18     So now you're misstating -- mischaracterizing  
19     his testimony.

20                    MR. STORCH: I'm not. He can say I found  
21     out when there was a lawsuit.

22                    MS. WASHINGTON: Could you rephrase the  
23     question?

24                    MR. STORCH: There's no reason to, because  
25     he knows now that -- as we sit here today, he

1 knows, based on his testimony, that  
2 Mr. Stepanovich had cancer. So my question is  
3 when did he find out.

4 MS. WASHINGTON: But his answer was "so he  
5 says."

6 MR. STORCH: Understood. That still  
7 doesn't change anything about the question.

8 BY MR. STORCH:

9 Q As we sit here today, sir, are you aware  
10 that Mr. Stepanovich had cancer?

11 A So he stated.

12 Q Okay. So you're at least aware that  
13 Mr. Stepanovich said that he had cancer, correct?

14 A Yes.

15 Q When did you find that out?

16 A After he -- well, I actually remembered it  
17 or got it brought to my attention after he filed  
18 suit with the EEOC. Whenever I got that suit, I  
19 said -- you know, talking to my wife, I said I  
20 didn't know that. And she says, yes, remember, I  
21 told you when -- after we came back from some  
22 produce show. And she was adamant she had told me.  
23 So evidently she did, but I had forgotten it.

24 MS. WASHINGTON: And I'm going to -- and,  
25 Noah, sorry to interrupt, but I'm just going to

1 object insofar as there's attorney-client  
2 privilege or any attorney work product  
3 mentioned here and instruct Mr. Corbett not to  
4 disclose any of those details. But besides  
5 that, he can answer.

6 MR. STORCH: Of course.

7 BY MR. STORCH:

8 Q And let me be clear, I'm never going to  
9 want to know, sir, anything that you've spoken about  
10 with your lawyer or anything you put in writing to  
11 your lawyer. I'm never going to ask about that,  
12 okay?

13 So no matter what questions I'm asking,  
14 I'm never asking for any information that you've  
15 discussed with your lawyer.

16 MR. STORCH: Fair enough, Destiny?

17 MS. WASHINGTON: Yes. That's fine.

18 BY MR. STORCH:

19 Q Okay. So this trade show -- I think you  
20 called it a trade show; am I wrong?

21 A Yes, I said trade show.

22 Q Okay. So this trade show that you went  
23 to, was that with Mr. Stepanovich?

24 A No, it was not with him.

25 Q Was your wife with you?

1 A Yes.

2 Q And you said her name was Kimberly  
3 Corbett?

4 A Yes.

5 Q When was the trade show?

6 A I don't know. It was sometime in the  
7 spring, early spring of 2017.

8 Q Do you recall what month? I don't need an  
9 exact date, but do you recall a month?

10 A It would be February or March. That show  
11 typically takes place February or March.

12 Q Where was that show?

13 A I can't remember if it was in Orlando or  
14 Tampa.

15 Q Do you know the name of that show?

16 A Southeast Produce Council.

17 Q And who from Ken Corbett Farms attended  
18 the Southeast Produce Council in February or March  
19 of 2017?

20 A Myself, my wife, and probably all three  
21 salesmen, if I was guessing.

22 Q Who were the three salesmen at the time?

23 A That would have been Jeff, Eric, and Jed.

24 Q Jed, Eric, and Jeff?

25 A Yes.

1 Q And just to be clear, Jeff, you're  
2 referring to my client, Mr. Stepanovich?

3 A Yes.

4 Q Is that a one-day trade show or is it  
5 multiple days?

6 A Multiple days.

7 Q And did you stay in a hotel in either  
8 Orlando or Tampa?

9 A Yes.

10 Q Do you recall which hotel?

11 A No.

12 Q When the EEOC documents came in and you  
13 saw them, you said you had a conversation with your  
14 wife about Mr. Stepanovich having cancer; is that  
15 correct?

16 A Yes. She was aware.

17 Q And your testimony was that your wife told  
18 you at that time -- or strike that.

19 Your testimony is your wife was adamant  
20 that she had told you before that, that  
21 Mr. Stepanovich had cancer, correct?

22 MS. WASHINGTON: Object to form.

23 You can answer.

24 THE WITNESS: She had told me that she had  
25 previously made me aware.

1 BY MR. STORCH:

2 Q And did you have any discussions with her  
3 about when she made you aware?

4 A She had told me after the show.

5 Q How long after the show did your wife tell  
6 you that she informed you of Mr. Stepanovich's  
7 cancer?

8 A She didn't say.

9 Q But it was before Mr. Stepanovich was  
10 terminated?

11 A Yes.

12 Q Was Mr. Stepanovich ever disciplined  
13 during his employment with Ken Corbett Farms?

14 MS. WASHINGTON: Object to form.

15 You can answer.

16 THE WITNESS: Not disciplined per se.

17 BY MR. STORCH:

18 Q Well, when you say "per se," it makes me  
19 think that there was some type of either discipline  
20 or counseling. So can you tell me what, if any,  
21 discipline or counseling Mr. Stepanovich had at any  
22 time during his employment with Ken Corbett Farms?

23 MS. WASHINGTON: Object to form.

24 Go ahead, you can answer.

25 THE WITNESS: I'm certain that during the



1           period he worked for me that I told all the  
2           salesmen several times that we need to find  
3           more higher paying customers.

4       BY MR. STORCH:

5           Q     So it wasn't something that was directed  
6           to Mr. Stepanovich himself, it was something that  
7           you would have directed to all the salespeople; is  
8           that correct?

9           MS. WASHINGTON: Object to form.

10          Go ahead.

11          THE WITNESS: I'm certain I spoke to all  
12          of them collectively and individually.

13       BY MR. STORCH:

14          Q     Can you tell me any particular time or  
15          date that you spoke with Mr. Stepanovich about his  
16          job performance?

17          MS. WASHINGTON: Object to form.

18          THE WITNESS: Not a specific time, but  
19          they will -- it was a -- several comments were  
20          made with the salesmen that I would come in  
21          there fussing about prices.

22       BY MR. STORCH:

23          Q     And, again, was this something that was  
24          directed to all of the salesmen or something that  
25          was directed to Mr. Stepanovich individually?

1           A     It depends on if I was talking to the  
2 crowd or talking to the individual.

3           Q     Understood.

4                     Now, are there any documents that would  
5 confirm that Mr. Stepanovich was disciplined or  
6 counseled during his employment?

7                     MS. WASHINGTON: Object to form.

8                     Go ahead.

9                     THE WITNESS: No.

10          BY MR. STORCH:

11           Q     Are there any documents that would show  
12 that Mr. Stepanovich was not producing for Ken  
13 Corbett Farms?

14                     MS. WASHINGTON: Object to form.

15                     THE WITNESS: There would be records in  
16 our accounting software or our inventory  
17 software, sales software, however you want to  
18 put it.

19          BY MR. STORCH:

20           Q     What records would that be?

21           A     In Famous you can do several different  
22 reports that show customers, sales, salesmen.

23           Q     And, I'm sorry, you said the name of that  
24 program was what?

25           A     Famous.

1 Q Can you spell that?

2 A F-a-m-o-u-s, I guess.

3 Q During his employment, did you have any  
4 sitdown conversations with Mr. Stepanovich about his  
5 production?

6 MS. WASHINGTON: Object to form.

7 You can answer.

8 THE WITNESS: I'm certain over the length  
9 of his employment there were times, yes.

10 MR. STORCH: Destiny, what's wrong with  
11 that question of asking him if he ever sat down  
12 with Mr. Stepanovich to discuss production?

13 MS. WASHINGTON: Just because the  
14 production is vague, the term "production" is  
15 vague.

16 MR. STORCH: Because that's the term that  
17 he -- Mr. Corbett uses in his documents.

18 BY MR. STORCH:

19 Q Mr. Corbett, did you understand what I  
20 meant when I asked you that question and used the  
21 word "production"?

22 A I assume you -- I was assuming you meant  
23 his ability to sell and turn a profit for the farm.

24 Q Sure.

25 And is that what you meant when you

1 drafted documents that were sent back to the Equal  
2 Employment Opportunity Commission?

3 MS. WASHINGTON: Object to form. There  
4 hasn't been any discussion of those documents  
5 so far. So if a foundation was laid, he could  
6 answer that.

7 MR. STORCH: Well, actually, Stephanie,  
8 your objections are limited only to form.  
9 There's no foundation objection during a  
10 deposition. That's an evidentiary issue. But  
11 I don't need to show him a document. He can  
12 tell me if he didn't draft it, that's fine.

13 I'll have him do it this way, if you want,  
14 but it will just make it longer.

15 BY MR. STORCH:

16 Q Mr. Corbett, do you recall drafting a  
17 document and sending it into the United States Equal  
18 Employment Opportunity Commission with regard to the  
19 charge of discrimination filed by Mr. Stepanovich?

20 A Yes.

21 Q And in that document, do you recall using  
22 the word "production" with regard Mr. Stepanovich  
23 doing his job?

24 A I would need to look at that note.  
25 Pulling one word out of context, I can't remember.

1 Q Sure. Let me ask you this way.

2 A I would need to know how it was phrased.

3 Q "Mr. Stepanovich's employment was  
4 dependent upon need, production, and commitment to  
5 the operations of Ken Corbett Farms LLC, as are all  
6 salesmen employed by the company."

7 Would that statement be true or false?

8 MS. WASHINGTON: Noah, do you -- I have  
9 that document here. Do you want me to have him  
10 look at it?

11 MR. STORCH: Well, I'll have him look at  
12 it soon.

13 MS. WASHINGTON: Okay.

14 MR. STORCH: I'm just asking him if that's  
15 a true statement or if it's false.

16 MS. WASHINGTON: I'm sorry, can you repeat  
17 that?

18 MR. STORCH: Sure.

19 MS. WASHINGTON: Thank you.

20 BY MR. STORCH:

21 Q "Mr. Stepanovich's employment was  
22 dependent upon need, production, and commitment to  
23 the operations of Ken Corbett Farms, LLC, as are all  
24 salesmen employed by the company."

25 Is that true or false?

1           A     If we don't need them, we don't need them.  
2     If they don't produce, we don't need them. And if  
3     they're not committed, we don't need them.

4           Q     What did you mean by the word "production"  
5     in that sentence?

6           A     The ability to help grow the company and  
7     make money for the company.

8           Q     Let me ask you this question. Why was  
9     Mr. Stepanovich terminated?

10          A     Because I was trying to cut costs for the  
11     company, trying to turn the company around that had  
12     been losing money for two years.

13          Q     Any other reason?

14          A     No. I just felt that he was -- well, he  
15     was our lowest producer and I just didn't feel like  
16     he had the commitment to growing the company and  
17     moving forward that the other two salesmen did.

18          Q     Those two other salesmen, meaning Jed and  
19     Eric, correct?

20          A     Correct.

21          Q     Neither one of those two individuals had  
22     cancer, correct?

23          A     Not that I'm aware of.

24          Q     So you've never been made aware and don't  
25     have any knowledge about Eric or Jed ever having

1 cancer?

2 MS. WASHINGTON: Object to form.

3 BY MR. STORCH:

4 Q Is that correct?

5 A No.

6 Q So I'm not correct?

7 A Restate your question.

8 Q Do you have any knowledge about Eric or  
9 Jed ever being diagnosed with cancer?

10 MS. WASHINGTON: Object to form.

11 THE WITNESS: No.

12 BY MR. STORCH:

13 Q In 2014 did Ken Corbett Farms sustain  
14 financial hardships?

15 A I'm sorry, what year?

16 Q 2014.

17 A I would have to look back.

18 Q Well, to your knowledge, did Ken Corbett  
19 Farms have any financial hardships in 2014?

20 A I don't know without looking back.

21 Q What about 2013?

22 A Again, I don't know without looking back  
23 at records.

24 Q What about 2012?

25 A Again, I don't know without looking back

1 at records.

2 Q And what about 2011?

3 A The same.

4 Q What about 2015?

5 A I'm aware of 2015 and '16 based on this  
6 case.

7 Q Expand on that. What do you mean by  
8 "based on this case"?

9 A Because the records from those years are  
10 fresh on my mind because that's what we've been  
11 going over and over on this case, arguing back and  
12 to with EEOC and you.

13 Q Well, did you look back to 2014 or any of  
14 the prior years to see if there was any financial  
15 hardship?

16 A As far as the end result for the farm, no.

17 Q So you only looked back as far as 2015?

18 MS. WASHINGTON: Object to form.

19 THE WITNESS: I just know that I lost  
20 money in 2015 and '16, large amounts.

21 BY MR. STORCH:

22 Q But did you look back further than 2015 to  
23 see if you or the farm lost money?

24 MS. WASHINGTON: Object to form.

25 THE WITNESS: Again, I would have to look



1 back at records, but I did look back at sales  
2 histories.

3 BY MR. STORCH:

4 Q I guess I'm not sure that we're connecting  
5 because I'm not asking you if in fact in 2014 Ken  
6 Corbett Farms suffered financial hardship. What I'm  
7 asking is if you look to see if in 2014 Ken Corbett  
8 Farms suffered hardship?

9 MS. WASHINGTON: Object to form.

10 THE WITNESS: I don't know if I did or  
11 not. I didn't look back to 2004 either. I  
12 don't know. I would have to guess.

13 BY MR. STORCH:

14 Q So we know, though, that you looked at  
15 least to 2015 and '16, correct?

16 A Yes, I know that I lost money in 2015 and  
17 '16.

18 Q So in 2015 when you lost money, when did  
19 you first become aware of that?

20 A I don't know. It varies. I mean, when  
21 you get to the end of the season and do all your  
22 recaps.

23 Q So when you realized or discovered that  
24 you had lost money in 2015, did you make any changes  
25 to the company?

1           A     I don't know if I did or not. I didn't  
2     make any personnel changes within the sales  
3     structure.

4           Q     When you discovered you lost money in  
5     2015, did you review all of the salespeople's  
6     numbers?

7                     MS. WASHINGTON: Object to form.

8                     THE WITNESS: I review sales numbers  
9     periodically throughout every year.

10           BY MR. STORCH:

11           Q     I understand.

12                     My question is very specific. When you  
13     found out that you lost money, or the company lost  
14     money in 2015, did you review your salespeople's  
15     production numbers?

16           A     I'm sure I had probably reviewed them  
17     prior to that and after that.

18           Q     Do you have any specific recollection of a  
19     review of the salespeople's production numbers in  
20     2015 or '16 when you discovered that the company had  
21     lost money?

22                     MS. WASHINGTON: Object to form.

23                     THE WITNESS: Repeat the question.

24                     MR. STORCH: Can you repeat that, Court  
25     Reporter?

1 THE COURT REPORTER: Yes, sir.

2 (Whereupon, the requested portion was read  
3 back.)

4 THE WITNESS: I can't give you specific  
5 dates. But, again, I review them continuously  
6 and periodically throughout the year.

7 BY MR. STORCH:

8 Q Did you specifically review any salesman's  
9 average selling price in 2015 or '16?

10 MS. WASHINGTON: Object to form.

11 THE WITNESS: Again, I do that  
12 periodically and randomly throughout the year.

13 BY MR. STORCH:

14 Q Did you ever discover that Mr. Corbett --  
15 strike that.

16 Did you ever discover that Mr. Stepanovich  
17 had alleged average selling prices that were lower  
18 than the other salespeople?

19 A That seemed to be consistent.

20 Q When is the first time that you became  
21 aware of that?

22 A I can't give a specific day.

23 Q What about the year, can you tell me the  
24 year?

25 A No.

1 Q I mean, did you even really look at that  
2 in 2017 before Mr. Corbett -- Mr. Stepanovich was  
3 terminated, or did you look into that after you got  
4 the EEOC filing?

5 MS. WASHINGTON: Object to form.

6 THE WITNESS: No. Again, I look at that  
7 periodically ever since we had the Famous  
8 software and been selling our stuff.

9 BY MR. STORCH:

10 Q Well, can you tell me any specific  
11 discussion that you had with Mr. Stepanovich  
12 addressing the fact that his average sales price was  
13 less than any other salesman?

14 A I can't give you a specific date, but all  
15 the salesmen are aware of how to run reports in  
16 Famous and can see for themselves where they stand  
17 in relation to other salesmen.

18 Q Understood. But that's not my question.

19 My question is can you identify for me any  
20 single conversation that you had with  
21 Mr. Stepanovich with regard to his average selling  
22 price during his employment?

23 A Again, a specific time, no. But over the  
24 period that he worked for me, I'm certain.

25 Q So you're certain that you spoke to

1 Mr. Stepanovich about this but you have no idea when  
2 you spoke to him or how many times you spoke to him,  
3 correct?

4 A It would have been random just based on  
5 whenever I came in and looked at reports.

6 Q Understood.

7 But my question to you is your testimony  
8 is that you spoke to Mr. Stepanovich about the fact  
9 that his average selling price was lower than other  
10 salesmen but that you have no idea when or how many  
11 times you did speak to him about it, correct?

12 A I'm certain sometime during the employment  
13 Jeff himself supplied a document that he ran off  
14 Famous that showed he was less, so he was well aware  
15 of it.

16 Q Understood.

17 But, again, my question to you is very  
18 simple. Are you able to tell me any specific date  
19 or time that you spoke with Mr. Stepanovich about  
20 his average selling price?

21 A No, I do not keep a diary.

22 Q Okay. Are you able to tell me how many  
23 times you spoke with Mr. Stepanovich about his  
24 average selling price?

25 A No.

1           Q     Can you tell me any specific time that you  
2 spoke to Mr. Stepanovich about the growth of his  
3 business during his employment?

4           A     No.

5           Q     Are you able to tell me any specific time  
6 that you spoke with Mr. Stepanovich about the fact  
7 that you believed he remained complacent in his job  
8 performance?

9           A     No.

10          Q     Are you able to tell me any specific time  
11 that you spoke with Mr. Stepanovich about the fact  
12 that he was allegedly not making sufficient efforts  
13 to increase his business?

14          A     I'm sorry, repeat the question. You were  
15 kind of running on there.

16          Q     Can you tell me any specific time that you  
17 spoke with Mr. Stepanovich about the fact that he  
18 did not make sufficient efforts to increase his  
19 business?

20          A     Specific time, no.

21          Q     In 2015 after you discovered that you had  
22 had a bad year or that you suffered financial  
23 hardship, you testified you didn't make any  
24 personnel changes, correct?

25          A     What year?

1 Q 2015.

2 A Not in the sales office.

3 Q Well, did you make any other personnel  
4 changes?

5 A I'm not sure.

6 Q When did you first become aware that in  
7 2016 Ken Corbett Farms suffered a loss financially?

8 A I'm certain it would have been after all  
9 collections were made and we were doing our recaps.

10 Q And generally when is that?

11 A That would be the next year.

12 Q In January or February or August?

13 MS. WASHINGTON: Object to form.

14 THE WITNESS: The first part of the year.

15 BY MR. STORCH:

16 Q Was anyone let go in 2015 as a result of  
17 the financial hardship of Ken Corbett Farms?

18 A I don't recall.

19 Q Was anyone let go after you found out that  
20 Ken Corbett Farms suffered financial loss in 2016?

21 A Yes. Jeff was in 2017.

22 Q Anyone else?

23 A I don't recall. I haven't been sued by  
24 them.

25 Q I'm sorry, what was that?

1           A     I don't recall. No one else has filed  
2     suit against me.

3           Q     Well, I guess my question is did anyone --  
4     do you know if you let anyone else go?

5           A     I don't recall.

6           Q     When Mr. Stepanovich was terminated, did  
7     you tell him in person or on the phone?

8           A     On the phone.

9           Q     What did you say to him?

10          A     I don't recall the exact conversation.

11          Q     Well, do you recall generally what you  
12     told him?

13          A     Yes. I'm certain that it was to do with  
14     the company losing money and I've got to do  
15     something to try to turn it around.

16          Q     Why are you so certain of that?

17          A     Because that's the only reason I made the  
18     change.

19          Q     Well, does that mean that you actually  
20     told him that?

21          A     I would say that I did. I don't know the  
22     exact conversation, but I wouldn't have terminated  
23     him without telling him the reason.

24          Q     Did Ken Corbett Farms hire a salesperson  
25     after Mr. Stepanovich was terminated?



1           A     I think it was in November but in a  
2     different capacity.

3           Q     Explain what you mean by that.

4           A     The salesperson that we hired then, we  
5     hired him strictly for a brokerage business that he  
6     had.

7           Q     I'm sorry, if you don't mind, just explain  
8     a little bit for -- for someone who's not in the  
9     business, if you could explain what you mean by  
10    that.

11          A     We hired this guy and he had his own -- or  
12    he worked for another company buying produce,  
13    marking it up and reselling it. And he had a  
14    customer that he worked for doing that, or a  
15    customer doing that. And we were able to hire him  
16    to come on up with us, bring his customer and do the  
17    same thing.

18          Q     How would this have helped the company  
19    financially, if at all?

20          A     Buy low, sell high.

21          Q     I'm sorry, what was that?

22          A     Buy low, sell high.

23          Q     Who was this person that was hired?

24          A     Terry Wright.

25          Q     Is he still employed?

1 A Yes.

2 Q To your knowledge, does he have cancer?

3 A You know, I'm not sure. He's had several  
4 ailments.

5 Q Understood.

6 When you hired him, did you know that he  
7 was currently suffering from any cancer or  
8 disability?

9 A Not that I can recall.

10 Q Instead of terminating Mr. Stepanovich,  
11 why didn't you speak to him and talk to him about  
12 these issues that you're saying he was terminated  
13 for?

14 A Repeat the question.

15 Q Instead of terminating Mr. Stepanovich,  
16 why didn't you speak to him about the issues that  
17 you claim he was terminated for and talk to him  
18 about improving his performance? Why not give him  
19 that opportunity?

20 MS. WASHINGTON: Object to form.

21 THE WITNESS: I spoke to him about how to  
22 turn the company around. I spoke to all three  
23 of them, just running the idea by them, what if  
24 we cut their salary and hired another salesman.  
25 I did discuss with them ways that we could make

1           this thing work and hopefully turn it around.

2       BY MR. STORCH:

3           Q     But ultimately you decided not to hire  
4       another salesman, correct?

5           A     I'm sorry, repeat that.

6           Q     I said ultimately you decided that you  
7       were not going to hire another salesman, though,  
8       correct?

9           A     Ultimately as in forever?

10          Q     Well, ultimately Mr. Stepanovich was  
11       terminated, correct?

12          A     Yes.

13          Q     So the discussion with the salesmen about  
14       hiring another salesman, meaning a fourth salesman,  
15       never actually happened; isn't that correct?

16               MS. WASHINGTON: Object to form.

17               THE WITNESS: I'm not following you.

18       You're going to have to say that again.

19               MS. WASHINGTON: And, Noah, we should take  
20       -- Mr. Corbett wants to take a break, but you  
21       can -- if you want to finish this question, we  
22       can. But can we take a break after that?

23               MR. STORCH: Yes. Why don't we do this.

24       BY MR. STORCH:

25          Q     Is there anything so far about your

1 testimony you would like to change?

2 A No.

3 Q Okay.

4 MR. STORCH: Let's take a break. How long  
5 do you need?

6 MS. WASHINGTON: Five minutes.

7 MR. STORCH: Okay.

8 (Whereupon, a recess was taken.)

9 BY MR. STORCH:

10 Q How long was the conversation that you had  
11 with Mr. Stepanovich when you informed him of his  
12 termination?

13 A I don't recall.

14 Q Was anyone with you when you made the  
15 telephone call to inform Mr. Stepanovich that he was  
16 being terminated?

17 A Not that I'm aware of.

18 Q Have you discussed the termination of  
19 Mr. Stepanovich with anybody other than your  
20 lawyers, of course, which I don't want to know  
21 anything about?

22 A I'm sorry, say that again.

23 Q Have you discussed the termination of  
24 Mr. Stepanovich with anyone? I do not want to know  
25 about any conversations that you've had with your

1 lawyers?

2 A Everyone that works with us knows he's  
3 been terminated.

4 Q I understand that.

5 But my question to you is not if everyone  
6 knows. My question is have you had any discussions  
7 with anyone about the termination of  
8 Mr. Stepanovich? And, again, I don't want to know  
9 anything that you've spoken about with your lawyers.

10 A I'm trying to follow the question. Can  
11 you rephrase or clarify what you're wanting to know?

12 Q I'm not sure that I can clarify it anymore  
13 than I have.

14 Have you ever spoken with anyone about the  
15 termination of Mr. Stepanovich?

16 A I'm sure I did.

17 Q Okay. Other than your lawyers, who?

18 A Probably all the salesmen that I had at  
19 the time, and my son, sons and wife. And I know  
20 that I had a lengthy conversation with Eric, since  
21 he's our sales manager, prior to firing Jeff.

22 I say he was our sales manager, he is the  
23 one I confided in most in the sales office. But we  
24 had discussions in years past about terminating  
25 Jeff.

1 Q So in multiple years prior to 2017 when  
2 Mr. Stepanovich was terminated, you had discussions  
3 with Eric about terminating Mr. Stepanovich?

4 A Yes.

5 Q But ultimately Mr. Stepanovich was not  
6 terminated until April of 2017, correct?

7 A Correct.

8 Q Tell me, how many times did you speak with  
9 Eric about the termination of Mr. Stepanovich in  
10 years prior, as you testified?

11 MS. WASHINGTON: Object to form.

12 THE WITNESS: I'm not sure.

13 BY MR. STORCH:

14 Q Was it once a year or more than that?

15 A I don't know that, but I do know that in  
16 one conversation that we had, Eric made the comment  
17 that it's time you quit talking about it and do it.  
18 And I don't know how far that was ahead of me  
19 actually firing him.

20 Q To your knowledge, did Eric know about  
21 Mr. Stepanovich's cancer?

22 A I don't know.

23 Q Did you ever have any discussions with  
24 Eric about Mr. Stepanovich's cancer?

25 A Not until after I was served by the EEOC.

1 And I assume Eric did have knowledge because Jeff  
2 said that he had told him.

3 Q Did Eric have the authority to hire and  
4 fire?

5 A No.

6 Q So you made the decision to terminate  
7 Mr. Stepanovich?

8 A Yes.

9 Q Did anyone else contribute to that  
10 decision?

11 A Other than just dinner table or  
12 stand-around discussions with my sons or either  
13 Eric.

14 Q Well, what did Justin and Jared say about  
15 terminating Mr. Stepanovich?

16 A I don't know. I can't recall. Eric is  
17 the only one that I recall our conversation.

18 Q And what exactly was that conversation?

19 A Well, it's just I remember something along  
20 the lines of you need to quit talking -- because I  
21 had discussed it with him so many times -- you need  
22 to quit talking about it and go ahead and do it if  
23 you're going to do it.

24 Q And do you recall when in 2017 that was?

25 MS. WASHINGTON: Object to form.

1 THE WITNESS: I don't recall that being in  
2 2017. I don't recall exactly when that  
3 conversation was.

4 BY MR. STORCH:

5 Q So you don't know if it was in 2017, 2016,  
6 or maybe even 2015?

7 A Correct.

8 Q When did Eric first start working for Ken  
9 Corbett Farms?

10 A I think it was 2011.

11 Q Do you recall any conversation that you  
12 had with your wife about the termination of  
13 Mr. Stepanovich?

14 A No.

15 Q When you informed Mr. Stepanovich that he  
16 was being terminated, can you tell me what his  
17 reaction was?

18 A I don't recall. I think it was just okay,  
19 but I'm not sure. I don't recall a confrontation  
20 about it.

21 Q Now, despite the fact that Mr. Stepanovich  
22 had cancer, do you believe that he could have  
23 performed his job as a salesman for Ken Corbett  
24 Farms?

25 MS. WASHINGTON: Object to form.



1 BY MR. STORCH:

2 Q You can answer.

3 A Repeat that question again.

4 Q Despite the fact that Mr. Stepanovich had  
5 cancer, would -- strike that.

6 Would the fact that Mr. Stepanovich had  
7 cancer prevent him from performing the job duties as  
8 a salesman?

9 A Not that I'm aware of.

10 Q Do you have any other knowledge or  
11 information about the allegations in this lawsuit  
12 that you have not discussed today?

13 A Repeat the question, please.

14 Q Do you have any other knowledge or  
15 information about Mr. Stepanovich's lawsuit that you  
16 have not discussed today during this deposition?

17 MS. WASHINGTON: Object to form.

18 THE WITNESS: Not that I'm aware of.

19 BY MR. STORCH:

20 Q Could I ask why you made the decision to  
21 not hire a fourth salesperson and instead switched  
22 up the plan to fire Mr. Stepanovich?

23 MS. WASHINGTON: Object to form.

24 THE WITNESS: I'm sorry, say that again.

25 BY MR. STORCH:

1           Q     Why did you decide not to hire a fourth  
2     salesman and instead decide to terminate  
3     Mr. Stepanovich?

4           MS. WASHINGTON:   Object to form.

5           But go ahead.

6           THE WITNESS:   I didn't feel like he had  
7     the commitment to turn the company around and  
8     move it forward.   I felt like he showed me that  
9     in his email.

10          BY MR. STORCH:

11          Q     So the email that he sent you, you felt  
12     like it was best to, at that point, cut the cord and  
13     terminate him?

14          A     Well, I had all kind of options in there.  
15     I hadn't made my mind up completely anything to do.  
16     I just knew I needed to turn the company around and  
17     get it profitable, whether it means increasing  
18     profits some way or decreasing expense some way.

19          Q     Do you recall when you actually made the  
20     decision to terminate Mr. Stepanovich?

21          A     No.

22          Q     Was it the day that you called him in  
23     April of 2017?

24          A     I don't know.   It would have been that day  
25     or a day or so prior.

1 Q Is there anything about your deposition  
2 testimony that you would like to change?

3 A No.

4 Q I have no further questions.

5 MS. WASHINGTON: I have some questions,  
6 Noah. Can you hear me?

7 MR. STORCH: Yeah.

8 EXAMINATION

9 BY MS. WASHINGTON:

10 Q Okay. Mr. Corbett, I have some questions  
11 for you.

12 You testified earlier that you had  
13 conversations with Mr. Stepanovich about him being  
14 complacent in his performance?

15 A I don't know that I would have used the  
16 word "complacent," but I'm certain that I had a  
17 conversation that we needed -- he needed to pick up  
18 his game.

19 Q But you just --

20 A And get better and higher paying  
21 customers.

22 Q But you just don't recall how many times  
23 you had that conversation?

24 A No, I don't.

25 Q Or the dates you had those conversations?

1           A     No, I don't.

2           Q     Okay. Did you ever have any conversations  
3 with Mr. Stepanovich about his price per package  
4 being lower than the other salesmen?

5           A     I'm sure that I did over the course of his  
6 employment.

7           Q     But you don't remember the dates?

8           A     I can't give you an exact date.

9           Q     And can you explain the brokerage, how  
10 brokerage business -- well, let me withdraw that  
11 question.

12                     Does this brokerage business that your  
13 salesmen engage in, is it profitable for Ken Corbett  
14 Farms?

15           A     Yes, it's profitable for Ken Corbett Farms  
16 and the salesmen. If the salesmen are willing to do  
17 it, they can make a lot of money just brokering.

18           Q     And this salesman that you hired in  
19 November of 2017, what was his name?

20           A     Terry Wright.

21           Q     Okay. So he strictly sold products by a  
22 brokerage arrangement?

23           A     Yes.

24           Q     Okay. And was he compensated the same way  
25 that Mr. Stepanovich was compensated?

1           A     Yes. As far as brokerage goes, the same  
2 arrangement is with all salesmen on their brokerage.

3           Q     Okay. But was the overall compensation of  
4 Terry the same as Mr. Stepanovich, the compensation  
5 arrangement outside of brokerage? Let me withdraw  
6 that question.

7                     Terry had no -- only did brokerage sales,  
8 right?

9           A     That's right. I don't recall him ever  
10 doing any direct farm sales.

11          Q     Okay. So he would not -- he did not share  
12 in the commission that the -- Terry did not share in  
13 the commission that Eric and Jed shared in?

14          A     No.

15          Q     Okay. And one other thing I wanted to --  
16 two other things I wanted to discuss. One, can you  
17 discuss -- or tell us about the process by which the  
18 salesmen were paid and how that relates to  
19 collection on invoices?

20          A     Yes. The salesmen are paid -- the three  
21 salesmen, the agreement I had with them, Jed, Eric,  
22 and Jeff, was that they would be paid 1 percent each  
23 of the gross profit from -- of the gross sale that  
24 all of them made, so they were paid equally on each  
25 other's sales.

1 Q Okay.

2 A And that, in hindsight, is a poor way to  
3 set up a pay schedule because that breeds  
4 complacency when you can sit back and let somebody  
5 else do the work and you get paid.

6 Q Can you explain how collections on  
7 invoices impacted how the salesmen were paid?

8 A Yes. Collections on invoices -- it's the  
9 salesmen's responsibilities for collections.  
10 According to PACA, which is an acronym for a federal  
11 agency regulation to get paid, you're supposed to be  
12 paid for farm products within 21 days, and it's the  
13 salesman's responsibility to collect that money.

14 So it typically never happens all of them  
15 run over 21 days, but it's their responsibility.  
16 And they get aging reports that shows how far out  
17 that particular -- each particular sale is.

18 So like if they have an aging report that  
19 gets sent to them out of the office, which they can  
20 pull their own aging report as well and they can see  
21 what's uncollected -- but their job is -- and  
22 they're paid on collected. So if they're sitting  
23 there with an aging report that they have people six  
24 months out paying, they're not going to get paid,  
25 because the company wasn't paid.

1 Q And if you compare the three salesmen, was  
2 there any particular salesman that didn't keep up  
3 with the aging?

4 MR. STORCH: Can you just hold on for one  
5 second?

6 MS. WASHINGTON: Sure.

7 MR. STORCH: Sorry. My phone is making a  
8 noise. Okay, got it.

9 THE WITNESS: What was the --

10 MS. WASHINGTON: Can you read that back,  
11 please.

12 (Whereupon, the requested portion was read  
13 back.)

14 MS. WASHINGTON: Let me withdraw that.  
15 Thank you.

16 BY MS. WASHINGTON:

17 Q So when you compared the three salesmen,  
18 was there any salesman in particular that didn't go  
19 back to collect on these invoices?

20 A I didn't look at that as I looked at --  
21 the length of time on the collection, I didn't look  
22 at that as hard as I looked at overall  
23 profitability, the price that you sell a product  
24 for.

25 Q Okay. So can you explain to us what is,

1 in your opinion, the most important indicator of  
2 profitability with regards to the salesmen?

3 A It's the price that you sell our product  
4 for. It's the end of the day and our overall  
5 average price, because the higher the price, the  
6 higher the price is above production, and it's the  
7 more money you make. So you can sell -- be the  
8 cheapest guy on the block and sell lots of packages  
9 at a low margin and look good like you're selling a  
10 lot and still lose money or still lose money for the  
11 farm.

12 Q And one more question. Have you ever  
13 worked with -- and what I mean by "worked with" is  
14 like worked side by side within a job -- with anyone  
15 who has had prostate cancer?

16 A I have several friends that have had it,  
17 friend and neighbors. And my wife has also had  
18 breast cancer, and I worked with her through all of  
19 her treatments with cancer, so I'm aware of cancer  
20 and treatments and what have you. And I'm willing  
21 to work through whatever.

22 Q And in your experience, has that diagnosis  
23 of cancer impacted their ability to work?

24 A No.

25 Q And when you first learned of these



1     allegations that Mr. Stepanovich made against you  
2     for firing him due to his disability, how did you  
3     feel about that?

4             A     I was mad. I felt like he knew the type  
5     of person that I am, that there's no way in the  
6     world that I would do that. But obviously he's --  
7     something is -- it just feels like I was betrayed by  
8     a close friend.

9             Q     I don't have anymore questions.

10            MS. WASHINGTON: Noah, do you have some?

11            MR. STORCH: I don't.

12            MS. WASHINGTON: Michelle, we would like  
13     to read and sign.

14            THE COURT REPORTER: Okay.

15            MS. WASHINGTON: And we would like an  
16     expedited copy. Can you get it to us in five  
17     business days, by next Thursday?

18            THE COURT REPORTER: Sure. I can do that.

19            Well, let me make sure, who's ordering the  
20     original?

21            MS. WASHINGTON: We need an original  
22     certified.

23            THE COURT REPORTER: Okay.

24            MS. WASHINGTON: And do you have  
25     electronic? Do you have an order form?

1 THE COURT REPORTER: I'll get it for you  
2 in one second.

3 Mr. Storch, do you need a copy of the  
4 transcript?

5 MR. STORCH: I don't need one right now.

6 THE COURT REPORTER: Okay. Thank you all.

7 (Whereupon, the deposition was concluded at  
8 3:08 p.m. and signature was reserved.)

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## DISCLOSURE

STATE OF GEORGIA:  
COUNTY OF LOWNDES:

Pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter reporting for Memory Reporting, Inc., P.O. Box 453, Blackshear, Georgia 31516, 912-449-8486.

Memory Reporting, Inc. is not disqualified from a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

Memory Reporting, Inc. was contacted by the offices of Richard Celler Legal, PA to provide court reporting services for this deposition.

Memory Reporting, Inc. will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

Memory Reporting, Inc. has no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

Memory Reporting, Inc. will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

A review of the transcript was requested.

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Michelle Subia, RPR, CCR  
Certificate No. 5817-0834-4721-4080

CERTIFICATE

STATE OF GEORGIA:

COUNTY OF LOWNDES:

I, Michelle Subia, Certified Court  
Reporter, State of Georgia, Certificate No.  
Certificate No. 5817-0834-4721-4080, CERTIFY that,  
acting in such capacity, I reported the testimony  
herein and, on the foregoing pages, have transcribed  
a true and correct transcript thereof. A review of  
the transcript was requested.

I FURTHER CERTIFY that I am not counsel  
for, nor am I related to any party to the above  
case, nor am I interested in the event or outcome.

WITNESS my hand and official seal as  
Certified Court Reporter, State of Georgia, this  
30th day of January, 2020.

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Michelle Subia, RPR, CCR  
Certificate No. 5817-0834-4721-4080

## ERRATA PAGE

IN RE: Stephanovich vs

Ken Corbett Farms, LLC

I, Kenneth Corbett, the witness

herein, have read the transcript of my testimony and  
 the same is true and correct, to the best of my  
 knowledge, with the exception of the following  
 changes noted below, if any:

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ERRATA PAGE (Continued)

In Re: Stephanovich vs  
Ken Corbett Farms, LLC

I, Kenneth Corbett, the witness  
herein, have read the transcript of my testimony and  
the same is true and correct, to the best of my  
knowledge, with the exception of the following  
changes noted below, if any:

Page	/	Line	/	Change	/	Reason
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\_\_\_\_\_  
Kenneth Corbett

Sworn to and subscribed before me,  
this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

VERITEXT LEGAL SOLUTIONS  
One Biscayne Tower, Suite 2250  
2 South Biscayne Boulevard  
Miami, Florida 33131  
305-376-8800

January 30, 2020

Kenneth Corbett  
c/o DESTINY S. WASHINGTON  
Ford Harrison

271 17th Street NW, Ste. 1900  
Atlanta, Georgia 30363  
dWASHINGTON@fordharrison.com

RE: Stepanovich, Jeffrey -vs- Ken Corbett Farms, LLC

Dear Ms. Washington:

With reference to the deposition of Kenneth Corbett  
taken on 1/23/20 in connection with the above-captioned  
case, please be advised that the transcript of the  
deposition has been completed and is awaiting  
signature.

Please have your client read the transcript and complete  
the errata page. Upon completion, please send the signed  
errata to our office at Two South Biscayne Blvd., Ste. 2250,  
Miami, FL, 33131, or email it to litsup-fla@veritext.com.

If this is not taken care of, however, within the  
next 30 days, we shall conclude that the reading  
and signing of the deposition has been waived and  
the original, which has already been forwarded to  
the ordering attorney, may be filed with the Clerk  
of the Court without further notice.

Sincerely,

Production Department  
Veritext Florida

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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION  
CASE NO: 7:18-CV-00186-HL

JEFFREY STEPANOVICH,

Plaintiff,

vs.

KEN CORBETT FARMS, LLC, A  
GEORGIA LIMITED LIABILITY  
COMPANY,

Defendant.

-----  
DEPOSITION OF  
KENNETH CORBETT

Thursday, January 23rd, 2020  
Commencing at 1:21 p.m.  
Concluding at 3:08 p.m.

Law Office of Gregory A. Voyles, PC  
1008 N. Patterson Street  
Valdosta, Georgia 31603

Reported by Michelle Subia, RPR, CCR

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I N D E X

WITNESS

PAGE

KENNETH CORBETT

Examination by Mr. Storch

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Examination by Ms. Washington

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- - -



1 (Witness sworn)

2 KENNETH CORBETT,

3 having been produced and first duly sworn,

4 testified as follows:

5 EXAMINATION

6 BY MR. STORCH:

7 Q All right. Good afternoon, sir. My name  
8 is Noah Storch. I represent Mr. Stepanovich. I'm  
9 definitely having trouble switching from Stepanovich  
10 to Stepanovich (as to pronunciation), but we'll get  
11 through that.

12 Can you state and spell your name for the  
13 record, please?

14 A K-e-n-n-e-t-h C-o-r-b-e-t-t.

15 Q Okay. And before we begin, we are taking  
16 your deposition both as to your individual capacity  
17 and your individual knowledge, but also as the  
18 corporate representative of the defendant, Ken  
19 Corbett Farms, LLC.

20 Do you understand that?

21 A Yes.

22 Q Okay. Can you tell me, sir, when did Ken  
23 Corbett Farms, LLC first become formed?

24 A I think it was 1996.

25 Q And if I --

1           A     No, I'm sorry, I think it may have been  
2     2008.

3           Q     Is it '90s or 2008?

4           A     I think it was 2008.

5           Q     Okay. If I refer to Ken Corbett Farms,  
6     LLC as just Ken Corbett Farms, will you understand  
7     what I'm referring to?

8           A     Yes.

9           Q     Okay. And have you ever had your  
10    deposition taken before?

11          A     Yes.

12          Q     How many times?

13          A     A couple.

14          Q     When is the last time that you were  
15    deposed?

16          A     Goodness, it's been maybe three years ago,  
17    four years ago.

18          Q     Okay. Have you ever been deposed in an  
19    employment-related lawsuit?

20          A     No.

21          Q     Okay. I'm just going to go over a couple  
22    of ground rules so that we can get you out of here  
23    as quickly and as easily as possible, okay?

24          A     Okay.

25          Q     All right. So as you can see, there's a

1 court reporter that's taking down everything that's  
2 said today, so please do me a favor, answer out  
3 loud, oral responses only. The court reporter can't  
4 take down things like shoulder shrugs or head nods,  
5 okay?

6 A Okay.

7 Q Please don't talk over me. I'll do my  
8 very best to allow you to finish your answer before  
9 I move on. And I will do my best also to not talk  
10 over you. Because if we start talking over each  
11 other, the court reporter is going to have a very  
12 difficult time, okay?

13 A Okay.

14 Q If at any time you need a break, please  
15 feel free to let me know, okay?

16 A Okay.

17 Q If you don't understand my question,  
18 please let me know, okay?

19 A Okay.

20 Q If you answer the question, I'm going to  
21 assume that you understood the question, okay?

22 A Okay.

23 Q What is your date of birth?

24 A 2/6/68.

25 Q February 6th, 1968, correct?

1 A Correct.

2 Q What is your current residential address?

3 A 1545 Highway 135 South, Lake Park, Georgia  
4 31636.

5 Q Was that 1545 Highway 135 South, Lake  
6 Park, Georgia?

7 A Yes.

8 Q How long have you lived at that address?

9 A Since 2009.

10 Q Does anyone live with you?

11 A My wife.

12 Q What is her name?

13 A Kimberly.

14 Q And does she work with you?

15 MS. WASHINGTON: Object to form. Can you  
16 clarify, Noah, what that means, what "work  
17 with" means?

18 MR. STORCH: Well, I think that's a pretty  
19 self-explanatory question.

20 BY MR. STORCH:

21 Q Does she work with you in any capacity?

22 MS. WASHINGTON: Object to form.

23 You can still answer it, though.

24 THE WITNESS: Yes, she works with me.

25 BY MR. STORCH:

1 Q Is she employed by Ken Corbett Farms?

2 A No.

3 Q Has she ever been employed by Ken Corbett  
4 Farms?

5 A No.

6 Q Do you have any children?

7 A Yes.

8 Q Are any of them minors?

9 A No.

10 Q What are your children's names?

11 A Justin, Jessica, and Jared.

12 Q Do any of your children work with you at  
13 Ken Corbett Farms?

14 A No.

15 Q Have any of your children ever worked for  
16 Ken Corbett Farms?

17 A Yes.

18 Q Who?

19 A Justin and Jared.

20 Q When did Justin work for Ken Corbett  
21 Farms?

22 A And Jessica as well, maybe. I don't  
23 know -- they're my kids -- over the period of time.  
24 I'm sure they probably did at some time or other.

25 Q Understood.

1                   When, to your recollection, did Justin  
2 work for Ken Corbett Farms?

3           A       I'm sorry, say that again.

4           Q       When, to your recollection, did Justin  
5 work for Ken Corbett Farms?

6           A       Up until last year.

7           Q       So up until 2019?

8           A       Yes.

9           Q       And just for clarification, does that mean  
10 that he worked in 2019 or his last year of working  
11 was in 2018?

12          A       He worked in 2019.

13          Q       And is he going to continue working for  
14 Ken Corbett Farms in 2020?

15          A       No.

16          Q       Why not?

17          A       Because Ken Corbett Farms has cut way back  
18 and I don't need anybody but myself.

19          Q       You don't have any employees?

20          A       There will be a few seasonal employees.

21          Q       We'll get back to Justin in a minute.

22               When did Jared work for Ken Corbett Farms?

23          A       That would be the same as Justin.

24          Q       Do you recall when Justin and Jared  
25 started working for Ken Corbett Farms?

1           A     No.  They're my kids, probably their whole  
2  lives.

3           Q     Okay.  So were they laid off?

4           A     I don't know if you would call it laid  
5  off.  They are no longer employees.

6           Q     Well, let me ask you this question.  Did  
7  you inform them that you didn't need them to work  
8  for Ken Corbett Farms any longer?

9           A     Yes, I'm sure.

10          Q     Do you recall when you informed them that  
11  their services would no longer be needed by Ken  
12  Corbett Farms?

13          A     No, I don't recall the exact time.

14          Q     Do you know what they're currently doing  
15  for work?

16          A     They're farming.

17          Q     Are they doing work for you or any of your  
18  businesses?

19          A     No.

20          Q     Are they doing work on any of your land?

21          A     Yes.  They rent land from -- well, they  
22  rent land from a corporation that I own.

23          Q     Did you meet with Justin and Jared in  
24  person to let them know that they would no longer be  
25  needed as employees of Ken Corbett Farms?

1           A     I'm sure it's in person. I see them  
2     daily. They're my kids.

3           Q     And you don't recall what you said to them  
4     when you told them that they would no longer be  
5     needed as employees of Ken Corbett Farms?

6           A     No.

7           Q     Do you recall what their reactions were,  
8     if any?

9           A     No. I'm sure they would have been proud  
10    of their father for being able to retire.

11          Q     Well, are you still working?

12          A     I'm sorry?

13          Q     Are you still working or are you retired?

14          A     I will work till the day I die. But it's  
15    because I want to, not because I have to.

16          Q     So what does that have to do with your  
17    kids being proud that you can retire?

18          A     They're proud that I don't have to work as  
19    hard as I used to.

20          Q     So are you choosing to cut back?

21          A     Yes.

22          Q     When did you make a decision to cut back?

23          A     God, I don't know. It's been a goal ever  
24    since I started having to work.

25          Q     I'm sorry, can you repeat that?



1           A       It's been my goal ever since I started to  
2       work.

3           Q       I understand that, but I'm trying to  
4       understand when you cut back.

5           A       2019.

6           Q       And why? What was the decision?

7           A       I've worked enough. I'm tired.

8           Q       Why not have one of your kids run the  
9       company so that you can actually retire?

10          A       I'm actually retired. I'm doing exactly  
11       what I want to do.

12          Q       Well, if you're retired, you're not  
13       working, correct?

14          A       I'm sorry?

15          Q       If you're retired, then you're not  
16       working, correct?

17          A       No. That depends on your definition of  
18       retirement.

19          Q       So your definition of --

20          A       My daddy retired and worked until he was  
21       77.

22          Q       So your definition of retirement means  
23       that you continue to work?

24          A       It means doing what I want to do.

25          Q       Are you doing the same thing now that you

1 were doing in 2018?

2 A Some of it, but everything on a much  
3 smaller scale.

4 Q You're still working, though, right?

5 A I'm still working whenever I want to work.

6 Q How do you serve your clients if you're  
7 just kind of working whenever?

8 A I'm sorry, repeat that.

9 MS. WASHINGTON: Object to form.

10 BY MR. STORCH:

11 Q How does Ken Corbett Farms serve its  
12 clients if you're just kind of working whenever you  
13 want?

14 MS. WASHINGTON: Object to form.

15 You can answer it, though.

16 MR. VOYLES: Did you hear what he said?

17 THE WITNESS: How do -- say that one more  
18 time.

19 MR. STORCH: Court Reporter, could you  
20 read back the question, please.

21 (Whereupon, the requested portion was read  
22 back.)

23 THE COURT REPORTER: It was very difficult  
24 to hear your question.

25 BY MR. STORCH:

1 Q How does Ken Corbett Farms serve its  
2 clients if you work whenever you want?

3 MS. WASHINGTON: Object to form.

4 THE WITNESS: I just serve them whenever I  
5 want.

6 BY MR. STORCH:

7 Q Does Ken Corbett Farms have -- strike  
8 that.

9 Do you know how many clients Ken Corbett  
10 Farms currently has?

11 A No, I have no idea. I would guess maybe  
12 four or five.

13 Q Do you have any salesmen working?

14 A No.

15 Q When you did have salesmen that were  
16 working, do you know how many clients Ken Corbett  
17 Farms had?

18 A Not exactly.

19 Q What about approximate?

20 A I would guess a couple hundred, maybe.

21 Q How does Ken Corbett Farms make a profit  
22 with only about four or five clients?

23 MS. WASHINGTON: Object to the form.

24 You're misstating his testimony.

25 BY MR. STORCH:

1           Q     Well, let me ask you this question.  Are  
2     you in business to lose money?

3           A     No.

4           Q     Does Ken Corbett Farms make a profit with  
5     only four or five clients?

6           MS. WASHINGTON:  Object to form.  You're  
7     misstating his testimony.

8           MR. STORCH:  I'm not misstating anything.  
9     I'm asking if there's a profit from four or  
10    five clients.

11          MS. WASHINGTON:  He never said he had four  
12    or five clients.

13          MR. STORCH:  He most certainly said he  
14    believes that there's about four or five.

15          MS. WASHINGTON:  Okay.

16          THE WITNESS:  I don't know that I -- I  
17    feel like I could make money with one client.  
18    I don't know that you have to have one or  
19    10,000.  I just need someone to buy my product.

20    BY MR. STORCH:

21          Q     Are you -- is Ken Corbett Farms selling  
22    more or less product now than it did in 2019?

23          A     Less.

24          Q     Is Ken Corbett Farms going to sell more or  
25    less product now than it did in 2018?

1 A Less.

2 Q Is Ken Corbett Farms selling more or less  
3 product now than it did in 2017?

4 A Less.

5 Q What about 2016?

6 A What about 2016?

7 Q Is Ken Corbett selling more or less  
8 product now than it did in 2016?

9 A Less.

10 Q Okay. Other than the year that Ken  
11 Corbett Farms came into existence, did Ken Corbett  
12 Farms sell more or less in 2020 than it did  
13 previously?

14 MS. WASHINGTON: Object to form.

15 If you understand it --

16 THE WITNESS: I don't understand it. You  
17 may have to write that one down. I'm having  
18 trouble following that.

19 BY MR. STORCH:

20 Q Has Ken Corbett Farms ever sold less than  
21 it is expected to sell in 2020?

22 A Probably not. I don't know. I would hope  
23 to sell more, but probably not.

24 Q Are you familiar with Jeff Stepanovich?

25 A Yes.

1 Q How do you know Mr. Stepanovich?

2 A He was employed by Ken Corbett Farms for a  
3 period of time.

4 Q Do you recall when he started?

5 A Maybe 2011.

6 Q Did you hire him?

7 A Yes.

8 Q Did Mr. Stepanovich have any cancer at the  
9 time you hired him?

10 A I don't know.

11 Q Did Mr. Stepanovich have cancer when you  
12 fired him?

13 A So he says.

14 Q So you knew that Mr. Stepanovich had  
15 cancer when you fired him?

16 A No.

17 Q I'm sorry, I don't understand what you  
18 mean "so he says." What does that mean?

19 A It means he said he had cancer when I  
20 fired him.

21 Q And your testimony is you didn't know  
22 that?

23 MS. WASHINGTON: Object to form.

24 BY MR. STORCH:

25 Q You can answer.

1           A       No. My testimony at the time I fired him,  
2 no, I did not.

3           Q       Tell me, when did you first find out about  
4 Mr. Stepanovich's cancer?

5                   MS. WASHINGTON: Object to form.

6                   But you can answer.

7           MR. STORCH: What's wrong with that  
8 question? I'm asking him when he found out  
9 about something.

10                  THE WITNESS: I will --

11                  MS. WASHINGTON: I'm, sorry, let me  
12 respond.

13                  THE WITNESS: Okay.

14                  MS. WASHINGTON: The problem with the  
15 question is that it -- he stated that he -- his  
16 response to your question about him knowing  
17 Mr. Stepanovich had cancer was "so he says."  
18 So now you're misstating -- mischaracterizing  
19 his testimony.

20                  MR. STORCH: I'm not. He can say I found  
21 out when there was a lawsuit.

22                  MS. WASHINGTON: Could you rephrase the  
23 question?

24                  MR. STORCH: There's no reason to, because  
25 he knows now that -- as we sit here today, he

1 knows, based on his testimony, that  
2 Mr. Stepanovich had cancer. So my question is  
3 when did he find out.

4 MS. WASHINGTON: But his answer was "so he  
5 says."

6 MR. STORCH: Understood. That still  
7 doesn't change anything about the question.

8 BY MR. STORCH:

9 Q As we sit here today, sir, are you aware  
10 that Mr. Stepanovich had cancer?

11 A So he stated.

12 Q Okay. So you're at least aware that  
13 Mr. Stepanovich said that he had cancer, correct?

14 A Yes.

15 Q When did you find that out?

16 A After he -- well, I actually remembered it  
17 or got it brought to my attention after he filed  
18 suit with the EEOC. Whenever I got that suit, I  
19 said -- you know, talking to my wife, I said I  
20 didn't know that. And she says, yes, remember, I  
21 told you when -- after we came back from some  
22 produce show. And she was adamant she had told me.  
23 So evidently she did, but I had forgotten it.

24 MS. WASHINGTON: And I'm going to -- and,  
25 Noah, sorry to interrupt, but I'm just going to



1 object insofar as there's attorney-client  
2 privilege or any attorney work product  
3 mentioned here and instruct Mr. Corbett not to  
4 disclose any of those details. But besides  
5 that, he can answer.

6 MR. STORCH: Of course.

7 BY MR. STORCH:

8 Q And let me be clear, I'm never going to  
9 want to know, sir, anything that you've spoken about  
10 with your lawyer or anything you put in writing to  
11 your lawyer. I'm never going to ask about that,  
12 okay?

13 So no matter what questions I'm asking,  
14 I'm never asking for any information that you've  
15 discussed with your lawyer.

16 MR. STORCH: Fair enough, Destiny?

17 MS. WASHINGTON: Yes. That's fine.

18 BY MR. STORCH:

19 Q Okay. So this trade show -- I think you  
20 called it a trade show; am I wrong?

21 A Yes, I said trade show.

22 Q Okay. So this trade show that you went  
23 to, was that with Mr. Stepanovich?

24 A No, it was not with him.

25 Q Was your wife with you?

1 A Yes.

2 Q And you said her name was Kimberly  
3 Corbett?

4 A Yes.

5 Q When was the trade show?

6 A I don't know. It was sometime in the  
7 spring, early spring of 2017.

8 Q Do you recall what month? I don't need an  
9 exact date, but do you recall a month?

10 A It would be February or March. That show  
11 typically takes place February or March.

12 Q Where was that show?

13 A I can't remember if it was in Orlando or  
14 Tampa.

15 Q Do you know the name of that show?

16 A Southeast Produce Council.

17 Q And who from Ken Corbett Farms attended  
18 the Southeast Produce Council in February or March  
19 of 2017?

20 A Myself, my wife, and probably all three  
21 salesmen, if I was guessing.

22 Q Who were the three salesmen at the time?

23 A That would have been Jeff, Eric, and Jed.

24 Q Jed, Eric, and Jeff?

25 A Yes.

1 Q And just to be clear, Jeff, you're  
2 referring to my client, Mr. Stepanovich?

3 A Yes.

4 Q Is that a one-day trade show or is it  
5 multiple days?

6 A Multiple days.

7 Q And did you stay in a hotel in either  
8 Orlando or Tampa?

9 A Yes.

10 Q Do you recall which hotel?

11 A No.

12 Q When the EEOC documents came in and you  
13 saw them, you said you had a conversation with your  
14 wife about Mr. Stepanovich having cancer; is that  
15 correct?

16 A Yes. She was aware.

17 Q And your testimony was that your wife told  
18 you at that time -- or strike that.

19 Your testimony is your wife was adamant  
20 that she had told you before that, that  
21 Mr. Stepanovich had cancer, correct?

22 MS. WASHINGTON: Object to form.

23 You can answer.

24 THE WITNESS: She had told me that she had  
25 previously made me aware.

1 BY MR. STORCH:

2 Q And did you have any discussions with her  
3 about when she made you aware?

4 A She had told me after the show.

5 Q How long after the show did your wife tell  
6 you that she informed you of Mr. Stepanovich's  
7 cancer?

8 A She didn't say.

9 Q But it was before Mr. Stepanovich was  
10 terminated?

11 A Yes.

12 Q Was Mr. Stepanovich ever disciplined  
13 during his employment with Ken Corbett Farms?

14 MS. WASHINGTON: Object to form.

15 You can answer.

16 THE WITNESS: Not disciplined per se.

17 BY MR. STORCH:

18 Q Well, when you say "per se," it makes me  
19 think that there was some type of either discipline  
20 or counseling. So can you tell me what, if any,  
21 discipline or counseling Mr. Stepanovich had at any  
22 time during his employment with Ken Corbett Farms?

23 MS. WASHINGTON: Object to form.

24 Go ahead, you can answer.

25 THE WITNESS: I'm certain that during the

1           period he worked for me that I told all the  
2           salesmen several times that we need to find  
3           more higher paying customers.

4       BY MR. STORCH:

5           Q       So it wasn't something that was directed  
6           to Mr. Stepanovich himself, it was something that  
7           you would have directed to all the salespeople; is  
8           that correct?

9                   MS. WASHINGTON: Object to form.

10                  Go ahead.

11                  THE WITNESS: I'm certain I spoke to all  
12           of them collectively and individually.

13       BY MR. STORCH:

14           Q       Can you tell me any particular time or  
15           date that you spoke with Mr. Stepanovich about his  
16           job performance?

17                   MS. WASHINGTON: Object to form.

18                  THE WITNESS: Not a specific time, but  
19           they will -- it was a -- several comments were  
20           made with the salesmen that I would come in  
21           there fussing about prices.

22       BY MR. STORCH:

23           Q       And, again, was this something that was  
24           directed to all of the salesmen or something that  
25           was directed to Mr. Stepanovich individually?

1           A     It depends on if I was talking to the  
2 crowd or talking to the individual.

3           Q     Understood.

4                     Now, are there any documents that would  
5 confirm that Mr. Stepanovich was disciplined or  
6 counseled during his employment?

7                     MS. WASHINGTON: Object to form.

8                     Go ahead.

9                     THE WITNESS: No.

10          BY MR. STORCH:

11           Q     Are there any documents that would show  
12 that Mr. Stepanovich was not producing for Ken  
13 Corbett Farms?

14                     MS. WASHINGTON: Object to form.

15                     THE WITNESS: There would be records in  
16 our accounting software or our inventory  
17 software, sales software, however you want to  
18 put it.

19          BY MR. STORCH:

20           Q     What records would that be?

21           A     In Famous you can do several different  
22 reports that show customers, sales, salesmen.

23           Q     And, I'm sorry, you said the name of that  
24 program was what?

25           A     Famous.

1 Q Can you spell that?

2 A F-a-m-o-u-s, I guess.

3 Q During his employment, did you have any  
4 sitdown conversations with Mr. Stepanovich about his  
5 production?

6 MS. WASHINGTON: Object to form.

7 You can answer.

8 THE WITNESS: I'm certain over the length  
9 of his employment there were times, yes.

10 MR. STORCH: Destiny, what's wrong with  
11 that question of asking him if he ever sat down  
12 with Mr. Stepanovich to discuss production?

13 MS. WASHINGTON: Just because the  
14 production is vague, the term "production" is  
15 vague.

16 MR. STORCH: Because that's the term that  
17 he -- Mr. Corbett uses in his documents.

18 BY MR. STORCH:

19 Q Mr. Corbett, did you understand what I  
20 meant when I asked you that question and used the  
21 word "production"?

22 A I assume you -- I was assuming you meant  
23 his ability to sell and turn a profit for the farm.

24 Q Sure.

25 And is that what you meant when you

1 drafted documents that were sent back to the Equal  
2 Employment Opportunity Commission?

3 MS. WASHINGTON: Object to form. There  
4 hasn't been any discussion of those documents  
5 so far. So if a foundation was laid, he could  
6 answer that.

7 MR. STORCH: Well, actually, Stephanie,  
8 your objections are limited only to form.  
9 There's no foundation objection during a  
10 deposition. That's an evidentiary issue. But  
11 I don't need to show him a document. He can  
12 tell me if he didn't draft it, that's fine.

13 I'll have him do it this way, if you want,  
14 but it will just make it longer.

15 BY MR. STORCH:

16 Q Mr. Corbett, do you recall drafting a  
17 document and sending it into the United States Equal  
18 Employment Opportunity Commission with regard to the  
19 charge of discrimination filed by Mr. Stepanovich?

20 A Yes.

21 Q And in that document, do you recall using  
22 the word "production" with regard Mr. Stepanovich  
23 doing his job?

24 A I would need to look at that note.  
25 Pulling one word out of context, I can't remember.



1 Q Sure. Let me ask you this way.

2 A I would need to know how it was phrased.

3 Q "Mr. Stepanovich's employment was  
4 dependent upon need, production, and commitment to  
5 the operations of Ken Corbett Farms LLC, as are all  
6 salesmen employed by the company."

7 Would that statement be true or false?

8 MS. WASHINGTON: Noah, do you -- I have  
9 that document here. Do you want me to have him  
10 look at it?

11 MR. STORCH: Well, I'll have him look at  
12 it soon.

13 MS. WASHINGTON: Okay.

14 MR. STORCH: I'm just asking him if that's  
15 a true statement or if it's false.

16 MS. WASHINGTON: I'm sorry, can you repeat  
17 that?

18 MR. STORCH: Sure.

19 MS. WASHINGTON: Thank you.

20 BY MR. STORCH:

21 Q "Mr. Stepanovich's employment was  
22 dependent upon need, production, and commitment to  
23 the operations of Ken Corbett Farms, LLC, as are all  
24 salesmen employed by the company."

25 Is that true or false?

1           A     If we don't need them, we don't need them.  
2     If they don't produce, we don't need them. And if  
3     they're not committed, we don't need them.

4           Q     What did you mean by the word "production"  
5     in that sentence?

6           A     The ability to help grow the company and  
7     make money for the company.

8           Q     Let me ask you this question. Why was  
9     Mr. Stepanovich terminated?

10          A     Because I was trying to cut costs for the  
11     company, trying to turn the company around that had  
12     been losing money for two years.

13          Q     Any other reason?

14          A     No. I just felt that he was -- well, he  
15     was our lowest producer and I just didn't feel like  
16     he had the commitment to growing the company and  
17     moving forward that the other two salesmen did.

18          Q     Those two other salesmen, meaning Jed and  
19     Eric, correct?

20          A     Correct.

21          Q     Neither one of those two individuals had  
22     cancer, correct?

23          A     Not that I'm aware of.

24          Q     So you've never been made aware and don't  
25     have any knowledge about Eric or Jed ever having

1 cancer?

2 MS. WASHINGTON: Object to form.

3 BY MR. STORCH:

4 Q Is that correct?

5 A No.

6 Q So I'm not correct?

7 A Restate your question.

8 Q Do you have any knowledge about Eric or  
9 Jed ever being diagnosed with cancer?

10 MS. WASHINGTON: Object to form.

11 THE WITNESS: No.

12 BY MR. STORCH:

13 Q In 2014 did Ken Corbett Farms sustain  
14 financial hardships?

15 A I'm sorry, what year?

16 Q 2014.

17 A I would have to look back.

18 Q Well, to your knowledge, did Ken Corbett  
19 Farms have any financial hardships in 2014?

20 A I don't know without looking back.

21 Q What about 2013?

22 A Again, I don't know without looking back  
23 at records.

24 Q What about 2012?

25 A Again, I don't know without looking back

1 at records.

2 Q And what about 2011?

3 A The same.

4 Q What about 2015?

5 A I'm aware of 2015 and '16 based on this  
6 case.

7 Q Expand on that. What do you mean by  
8 "based on this case"?

9 A Because the records from those years are  
10 fresh on my mind because that's what we've been  
11 going over and over on this case, arguing back and  
12 to with EEOC and you.

13 Q Well, did you look back to 2014 or any of  
14 the prior years to see if there was any financial  
15 hardship?

16 A As far as the end result for the farm, no.

17 Q So you only looked back as far as 2015?

18 MS. WASHINGTON: Object to form.

19 THE WITNESS: I just know that I lost  
20 money in 2015 and '16, large amounts.

21 BY MR. STORCH:

22 Q But did you look back further than 2015 to  
23 see if you or the farm lost money?

24 MS. WASHINGTON: Object to form.

25 THE WITNESS: Again, I would have to look

1 back at records, but I did look back at sales  
2 histories.

3 BY MR. STORCH:

4 Q I guess I'm not sure that we're connecting  
5 because I'm not asking you if in fact in 2014 Ken  
6 Corbett Farms suffered financial hardship. What I'm  
7 asking is if you look to see if in 2014 Ken Corbett  
8 Farms suffered hardship?

9 MS. WASHINGTON: Object to form.

10 THE WITNESS: I don't know if I did or  
11 not. I didn't look back to 2004 either. I  
12 don't know. I would have to guess.

13 BY MR. STORCH:

14 Q So we know, though, that you looked at  
15 least to 2015 and '16, correct?

16 A Yes, I know that I lost money in 2015 and  
17 '16.

18 Q So in 2015 when you lost money, when did  
19 you first become aware of that?

20 A I don't know. It varies. I mean, when  
21 you get to the end of the season and do all your  
22 recaps.

23 Q So when you realized or discovered that  
24 you had lost money in 2015, did you make any changes  
25 to the company?

1           A     I don't know if I did or not. I didn't  
2     make any personnel changes within the sales  
3     structure.

4           Q     When you discovered you lost money in  
5     2015, did you review all of the salespeople's  
6     numbers?

7                     MS. WASHINGTON: Object to form.

8                     THE WITNESS: I review sales numbers  
9     periodically throughout every year.

10    BY MR. STORCH:

11           Q     I understand.

12                     My question is very specific. When you  
13     found out that you lost money, or the company lost  
14     money in 2015, did you review your salespeople's  
15     production numbers?

16           A     I'm sure I had probably reviewed them  
17     prior to that and after that.

18           Q     Do you have any specific recollection of a  
19     review of the salespeople's production numbers in  
20     2015 or '16 when you discovered that the company had  
21     lost money?

22                     MS. WASHINGTON: Object to form.

23                     THE WITNESS: Repeat the question.

24                     MR. STORCH: Can you repeat that, Court  
25     Reporter?

1 THE COURT REPORTER: Yes, sir.

2 (Whereupon, the requested portion was read  
3 back.)

4 THE WITNESS: I can't give you specific  
5 dates. But, again, I review them continuously  
6 and periodically throughout the year.

7 BY MR. STORCH:

8 Q Did you specifically review any salesman's  
9 average selling price in 2015 or '16?

10 MS. WASHINGTON: Object to form.

11 THE WITNESS: Again, I do that  
12 periodically and randomly throughout the year.

13 BY MR. STORCH:

14 Q Did you ever discover that Mr. Corbett --  
15 strike that.

16 Did you ever discover that Mr. Stepanovich  
17 had alleged average selling prices that were lower  
18 than the other salespeople?

19 A That seemed to be consistent.

20 Q When is the first time that you became  
21 aware of that?

22 A I can't give a specific day.

23 Q What about the year, can you tell me the  
24 year?

25 A No.

1           Q     I mean, did you even really look at that  
2     in 2017 before Mr. Corbett -- Mr. Stepanovich was  
3     terminated, or did you look into that after you got  
4     the EEOC filing?

5           MS. WASHINGTON: Object to form.

6           THE WITNESS: No. Again, I look at that  
7     periodically ever since we had the Famous  
8     software and been selling our stuff.

9     BY MR. STORCH:

10          Q     Well, can you tell me any specific  
11     discussion that you had with Mr. Stepanovich  
12     addressing the fact that his average sales price was  
13     less than any other salesman?

14          A     I can't give you a specific date, but all  
15     the salesmen are aware of how to run reports in  
16     Famous and can see for themselves where they stand  
17     in relation to other salesmen.

18          Q     Understood. But that's not my question.

19                 My question is can you identify for me any  
20     single conversation that you had with  
21     Mr. Stepanovich with regard to his average selling  
22     price during his employment?

23          A     Again, a specific time, no. But over the  
24     period that he worked for me, I'm certain.

25          Q     So you're certain that you spoke to



1 Mr. Stepanovich about this but you have no idea when  
2 you spoke to him or how many times you spoke to him,  
3 correct?

4 A It would have been random just based on  
5 whenever I came in and looked at reports.

6 Q Understood.

7 But my question to you is your testimony  
8 is that you spoke to Mr. Stepanovich about the fact  
9 that his average selling price was lower than other  
10 salesmen but that you have no idea when or how many  
11 times you did speak to him about it, correct?

12 A I'm certain sometime during the employment  
13 Jeff himself supplied a document that he ran off  
14 Famous that showed he was less, so he was well aware  
15 of it.

16 Q Understood.

17 But, again, my question to you is very  
18 simple. Are you able to tell me any specific date  
19 or time that you spoke with Mr. Stepanovich about  
20 his average selling price?

21 A No, I do not keep a diary.

22 Q Okay. Are you able to tell me how many  
23 times you spoke with Mr. Stepanovich about his  
24 average selling price?

25 A No.

1           Q     Can you tell me any specific time that you  
2 spoke to Mr. Stepanovich about the growth of his  
3 business during his employment?

4           A     No.

5           Q     Are you able to tell me any specific time  
6 that you spoke with Mr. Stepanovich about the fact  
7 that you believed he remained complacent in his job  
8 performance?

9           A     No.

10          Q     Are you able to tell me any specific time  
11 that you spoke with Mr. Stepanovich about the fact  
12 that he was allegedly not making sufficient efforts  
13 to increase his business?

14          A     I'm sorry, repeat the question. You were  
15 kind of running on there.

16          Q     Can you tell me any specific time that you  
17 spoke with Mr. Stepanovich about the fact that he  
18 did not make sufficient efforts to increase his  
19 business?

20          A     Specific time, no.

21          Q     In 2015 after you discovered that you had  
22 had a bad year or that you suffered financial  
23 hardship, you testified you didn't make any  
24 personnel changes, correct?

25          A     What year?

1 Q 2015.

2 A Not in the sales office.

3 Q Well, did you make any other personnel  
4 changes?

5 A I'm not sure.

6 Q When did you first become aware that in  
7 2016 Ken Corbett Farms suffered a loss financially?

8 A I'm certain it would have been after all  
9 collections were made and we were doing our recaps.

10 Q And generally when is that?

11 A That would be the next year.

12 Q In January or February or August?

13 MS. WASHINGTON: Object to form.

14 THE WITNESS: The first part of the year.

15 BY MR. STORCH:

16 Q Was anyone let go in 2015 as a result of  
17 the financial hardship of Ken Corbett Farms?

18 A I don't recall.

19 Q Was anyone let go after you found out that  
20 Ken Corbett Farms suffered financial loss in 2016?

21 A Yes. Jeff was in 2017.

22 Q Anyone else?

23 A I don't recall. I haven't been sued by  
24 them.

25 Q I'm sorry, what was that?

1           A     I don't recall. No one else has filed  
2     suit against me.

3           Q     Well, I guess my question is did anyone --  
4     do you know if you let anyone else go?

5           A     I don't recall.

6           Q     When Mr. Stepanovich was terminated, did  
7     you tell him in person or on the phone?

8           A     On the phone.

9           Q     What did you say to him?

10          A     I don't recall the exact conversation.

11          Q     Well, do you recall generally what you  
12     told him?

13          A     Yes. I'm certain that it was to do with  
14     the company losing money and I've got to do  
15     something to try to turn it around.

16          Q     Why are you so certain of that?

17          A     Because that's the only reason I made the  
18     change.

19          Q     Well, does that mean that you actually  
20     told him that?

21          A     I would say that I did. I don't know the  
22     exact conversation, but I wouldn't have terminated  
23     him without telling him the reason.

24          Q     Did Ken Corbett Farms hire a salesperson  
25     after Mr. Stepanovich was terminated?

1           A     I think it was in November but in a  
2     different capacity.

3           Q     Explain what you mean by that.

4           A     The salesperson that we hired then, we  
5     hired him strictly for a brokerage business that he  
6     had.

7           Q     I'm sorry, if you don't mind, just explain  
8     a little bit for -- for someone who's not in the  
9     business, if you could explain what you mean by  
10    that.

11          A     We hired this guy and he had his own -- or  
12    he worked for another company buying produce,  
13    marking it up and reselling it. And he had a  
14    customer that he worked for doing that, or a  
15    customer doing that. And we were able to hire him  
16    to come on up with us, bring his customer and do the  
17    same thing.

18          Q     How would this have helped the company  
19    financially, if at all?

20          A     Buy low, sell high.

21          Q     I'm sorry, what was that?

22          A     Buy low, sell high.

23          Q     Who was this person that was hired?

24          A     Terry Wright.

25          Q     Is he still employed?

1 A Yes.

2 Q To your knowledge, does he have cancer?

3 A You know, I'm not sure. He's had several  
4 ailments.

5 Q Understood.

6 When you hired him, did you know that he  
7 was currently suffering from any cancer or  
8 disability?

9 A Not that I can recall.

10 Q Instead of terminating Mr. Stepanovich,  
11 why didn't you speak to him and talk to him about  
12 these issues that you're saying he was terminated  
13 for?

14 A Repeat the question.

15 Q Instead of terminating Mr. Stepanovich,  
16 why didn't you speak to him about the issues that  
17 you claim he was terminated for and talk to him  
18 about improving his performance? Why not give him  
19 that opportunity?

20 MS. WASHINGTON: Object to form.

21 THE WITNESS: I spoke to him about how to  
22 turn the company around. I spoke to all three  
23 of them, just running the idea by them, what if  
24 we cut their salary and hired another salesman.  
25 I did discuss with them ways that we could make

1           this thing work and hopefully turn it around.

2       BY MR. STORCH:

3           Q     But ultimately you decided not to hire  
4       another salesman, correct?

5           A     I'm sorry, repeat that.

6           Q     I said ultimately you decided that you  
7       were not going to hire another salesman, though,  
8       correct?

9           A     Ultimately as in forever?

10          Q     Well, ultimately Mr. Stepanovich was  
11       terminated, correct?

12          A     Yes.

13          Q     So the discussion with the salesmen about  
14       hiring another salesman, meaning a fourth salesman,  
15       never actually happened; isn't that correct?

16               MS. WASHINGTON: Object to form.

17               THE WITNESS: I'm not following you.

18       You're going to have to say that again.

19               MS. WASHINGTON: And, Noah, we should take  
20       -- Mr. Corbett wants to take a break, but you  
21       can -- if you want to finish this question, we  
22       can. But can we take a break after that?

23               MR. STORCH: Yes. Why don't we do this.

24       BY MR. STORCH:

25          Q     Is there anything so far about your

1 testimony you would like to change?

2 A No.

3 Q Okay.

4 MR. STORCH: Let's take a break. How long  
5 do you need?

6 MS. WASHINGTON: Five minutes.

7 MR. STORCH: Okay.

8 (Whereupon, a recess was taken.)

9 BY MR. STORCH:

10 Q How long was the conversation that you had  
11 with Mr. Stepanovich when you informed him of his  
12 termination?

13 A I don't recall.

14 Q Was anyone with you when you made the  
15 telephone call to inform Mr. Stepanovich that he was  
16 being terminated?

17 A Not that I'm aware of.

18 Q Have you discussed the termination of  
19 Mr. Stepanovich with anybody other than your  
20 lawyers, of course, which I don't want to know  
21 anything about?

22 A I'm sorry, say that again.

23 Q Have you discussed the termination of  
24 Mr. Stepanovich with anyone? I do not want to know  
25 about any conversations that you've had with your



1 lawyers?

2 A Everyone that works with us knows he's  
3 been terminated.

4 Q I understand that.

5 But my question to you is not if everyone  
6 knows. My question is have you had any discussions  
7 with anyone about the termination of  
8 Mr. Stepanovich? And, again, I don't want to know  
9 anything that you've spoken about with your lawyers.

10 A I'm trying to follow the question. Can  
11 you rephrase or clarify what you're wanting to know?

12 Q I'm not sure that I can clarify it anymore  
13 than I have.

14 Have you ever spoken with anyone about the  
15 termination of Mr. Stepanovich?

16 A I'm sure I did.

17 Q Okay. Other than your lawyers, who?

18 A Probably all the salesmen that I had at  
19 the time, and my son, sons and wife. And I know  
20 that I had a lengthy conversation with Eric, since  
21 he's our sales manager, prior to firing Jeff.

22 I say he was our sales manager, he is the  
23 one I confided in most in the sales office. But we  
24 had discussions in years past about terminating  
25 Jeff.

1 Q So in multiple years prior to 2017 when  
2 Mr. Stepanovich was terminated, you had discussions  
3 with Eric about terminating Mr. Stepanovich?

4 A Yes.

5 Q But ultimately Mr. Stepanovich was not  
6 terminated until April of 2017, correct?

7 A Correct.

8 Q Tell me, how many times did you speak with  
9 Eric about the termination of Mr. Stepanovich in  
10 years prior, as you testified?

11 MS. WASHINGTON: Object to form.

12 THE WITNESS: I'm not sure.

13 BY MR. STORCH:

14 Q Was it once a year or more than that?

15 A I don't know that, but I do know that in  
16 one conversation that we had, Eric made the comment  
17 that it's time you quit talking about it and do it.  
18 And I don't know how far that was ahead of me  
19 actually firing him.

20 Q To your knowledge, did Eric know about  
21 Mr. Stepanovich's cancer?

22 A I don't know.

23 Q Did you ever have any discussions with  
24 Eric about Mr. Stepanovich's cancer?

25 A Not until after I was served by the EEOC.

1 And I assume Eric did have knowledge because Jeff  
2 said that he had told him.

3 Q Did Eric have the authority to hire and  
4 fire?

5 A No.

6 Q So you made the decision to terminate  
7 Mr. Stepanovich?

8 A Yes.

9 Q Did anyone else contribute to that  
10 decision?

11 A Other than just dinner table or  
12 stand-around discussions with my sons or either  
13 Eric.

14 Q Well, what did Justin and Jared say about  
15 terminating Mr. Stepanovich?

16 A I don't know. I can't recall. Eric is  
17 the only one that I recall our conversation.

18 Q And what exactly was that conversation?

19 A Well, it's just I remember something along  
20 the lines of you need to quit talking -- because I  
21 had discussed it with him so many times -- you need  
22 to quit talking about it and go ahead and do it if  
23 you're going to do it.

24 Q And do you recall when in 2017 that was?

25 MS. WASHINGTON: Object to form.

1 THE WITNESS: I don't recall that being in  
2 2017. I don't recall exactly when that  
3 conversation was.

4 BY MR. STORCH:

5 Q So you don't know if it was in 2017, 2016,  
6 or maybe even 2015?

7 A Correct.

8 Q When did Eric first start working for Ken  
9 Corbett Farms?

10 A I think it was 2011.

11 Q Do you recall any conversation that you  
12 had with your wife about the termination of  
13 Mr. Stepanovich?

14 A No.

15 Q When you informed Mr. Stepanovich that he  
16 was being terminated, can you tell me what his  
17 reaction was?

18 A I don't recall. I think it was just okay,  
19 but I'm not sure. I don't recall a confrontation  
20 about it.

21 Q Now, despite the fact that Mr. Stepanovich  
22 had cancer, do you believe that he could have  
23 performed his job as a salesman for Ken Corbett  
24 Farms?

25 MS. WASHINGTON: Object to form.

1 BY MR. STORCH:

2 Q You can answer.

3 A Repeat that question again.

4 Q Despite the fact that Mr. Stepanovich had  
5 cancer, would -- strike that.

6 Would the fact that Mr. Stepanovich had  
7 cancer prevent him from performing the job duties as  
8 a salesman?

9 A Not that I'm aware of.

10 Q Do you have any other knowledge or  
11 information about the allegations in this lawsuit  
12 that you have not discussed today?

13 A Repeat the question, please.

14 Q Do you have any other knowledge or  
15 information about Mr. Stepanovich's lawsuit that you  
16 have not discussed today during this deposition?

17 MS. WASHINGTON: Object to form.

18 THE WITNESS: Not that I'm aware of.

19 BY MR. STORCH:

20 Q Could I ask why you made the decision to  
21 not hire a fourth salesperson and instead switched  
22 up the plan to fire Mr. Stepanovich?

23 MS. WASHINGTON: Object to form.

24 THE WITNESS: I'm sorry, say that again.

25 BY MR. STORCH:

1           Q     Why did you decide not to hire a fourth  
2     salesman and instead decide to terminate  
3     Mr. Stepanovich?

4           MS. WASHINGTON:   Object to form.

5           But go ahead.

6           THE WITNESS:   I didn't feel like he had  
7     the commitment to turn the company around and  
8     move it forward.   I felt like he showed me that  
9     in his email.

10          BY MR. STORCH:

11          Q     So the email that he sent you, you felt  
12     like it was best to, at that point, cut the cord and  
13     terminate him?

14          A     Well, I had all kind of options in there.  
15     I hadn't made my mind up completely anything to do.  
16     I just knew I needed to turn the company around and  
17     get it profitable, whether it means increasing  
18     profits some way or decreasing expense some way.

19          Q     Do you recall when you actually made the  
20     decision to terminate Mr. Stepanovich?

21          A     No.

22          Q     Was it the day that you called him in  
23     April of 2017?

24          A     I don't know.   It would have been that day  
25     or a day or so prior.

1 Q Is there anything about your deposition  
2 testimony that you would like to change?

3 A No.

4 Q I have no further questions.

5 MS. WASHINGTON: I have some questions,  
6 Noah. Can you hear me?

7 MR. STORCH: Yeah.

8 EXAMINATION

9 BY MS. WASHINGTON:

10 Q Okay. Mr. Corbett, I have some questions  
11 for you.

12 You testified earlier that you had  
13 conversations with Mr. Stepanovich about him being  
14 complacent in his performance?

15 A I don't know that I would have used the  
16 word "complacent," but I'm certain that I had a  
17 conversation that we needed -- he needed to pick up  
18 his game.

19 Q But you just --

20 A And get better and higher paying  
21 customers.

22 Q But you just don't recall how many times  
23 you had that conversation?

24 A No, I don't.

25 Q Or the dates you had those conversations?

1           A     No, I don't.

2           Q     Okay. Did you ever have any conversations  
3 with Mr. Stepanovich about his price per package  
4 being lower than the other salesmen?

5           A     I'm sure that I did over the course of his  
6 employment.

7           Q     But you don't remember the dates?

8           A     I can't give you an exact date.

9           Q     And can you explain the brokerage, how  
10 brokerage business -- well, let me withdraw that  
11 question.

12                     Does this brokerage business that your  
13 salesmen engage in, is it profitable for Ken Corbett  
14 Farms?

15           A     Yes, it's profitable for Ken Corbett Farms  
16 and the salesmen. If the salesmen are willing to do  
17 it, they can make a lot of money just brokering.

18           Q     And this salesman that you hired in  
19 November of 2017, what was his name?

20           A     Terry Wright.

21           Q     Okay. So he strictly sold products by a  
22 brokerage arrangement?

23           A     Yes.

24           Q     Okay. And was he compensated the same way  
25 that Mr. Stepanovich was compensated?



1           A     Yes. As far as brokerage goes, the same  
2 arrangement is with all salesmen on their brokerage.

3           Q     Okay. But was the overall compensation of  
4 Terry the same as Mr. Stepanovich, the compensation  
5 arrangement outside of brokerage? Let me withdraw  
6 that question.

7                     Terry had no -- only did brokerage sales,  
8 right?

9           A     That's right. I don't recall him ever  
10 doing any direct farm sales.

11          Q     Okay. So he would not -- he did not share  
12 in the commission that the -- Terry did not share in  
13 the commission that Eric and Jed shared in?

14          A     No.

15          Q     Okay. And one other thing I wanted to --  
16 two other things I wanted to discuss. One, can you  
17 discuss -- or tell us about the process by which the  
18 salesmen were paid and how that relates to  
19 collection on invoices?

20          A     Yes. The salesmen are paid -- the three  
21 salesmen, the agreement I had with them, Jed, Eric,  
22 and Jeff, was that they would be paid 1 percent each  
23 of the gross profit from -- of the gross sale that  
24 all of them made, so they were paid equally on each  
25 other's sales.

1 Q Okay.

2 A And that, in hindsight, is a poor way to  
3 set up a pay schedule because that breeds  
4 complacency when you can sit back and let somebody  
5 else do the work and you get paid.

6 Q Can you explain how collections on  
7 invoices impacted how the salesmen were paid?

8 A Yes. Collections on invoices -- it's the  
9 salesmen's responsibilities for collections.  
10 According to PACA, which is an acronym for a federal  
11 agency regulation to get paid, you're supposed to be  
12 paid for farm products within 21 days, and it's the  
13 salesman's responsibility to collect that money.

14 So it typically never happens all of them  
15 run over 21 days, but it's their responsibility.  
16 And they get aging reports that shows how far out  
17 that particular -- each particular sale is.

18 So like if they have an aging report that  
19 gets sent to them out of the office, which they can  
20 pull their own aging report as well and they can see  
21 what's uncollected -- but their job is -- and  
22 they're paid on collected. So if they're sitting  
23 there with an aging report that they have people six  
24 months out paying, they're not going to get paid,  
25 because the company wasn't paid.

1           Q     And if you compare the three salesmen, was  
2     there any particular salesman that didn't keep up  
3     with the aging?

4           MR. STORCH:   Can you just hold on for one  
5     second?

6           MS. WASHINGTON:   Sure.

7           MR. STORCH:   Sorry.   My phone is making a  
8     noise.   Okay, got it.

9           THE WITNESS:   What was the --

10          MS. WASHINGTON:   Can you read that back,  
11     please.

12          (Whereupon, the requested portion was read  
13     back.)

14          MS. WASHINGTON:   Let me withdraw that.  
15     Thank you.

16     BY MS. WASHINGTON:

17          Q     So when you compared the three salesmen,  
18     was there any salesman in particular that didn't go  
19     back to collect on these invoices?

20          A     I didn't look at that as I looked at --  
21     the length of time on the collection, I didn't look  
22     at that as hard as I looked at overall  
23     profitability, the price that you sell a product  
24     for.

25          Q     Okay.   So can you explain to us what is,

1 in your opinion, the most important indicator of  
2 profitability with regards to the salesmen?

3 A It's the price that you sell our product  
4 for. It's the end of the day and our overall  
5 average price, because the higher the price, the  
6 higher the price is above production, and it's the  
7 more money you make. So you can sell -- be the  
8 cheapest guy on the block and sell lots of packages  
9 at a low margin and look good like you're selling a  
10 lot and still lose money or still lose money for the  
11 farm.

12 Q And one more question. Have you ever  
13 worked with -- and what I mean by "worked with" is  
14 like worked side by side within a job -- with anyone  
15 who has had prostate cancer?

16 A I have several friends that have had it,  
17 friend and neighbors. And my wife has also had  
18 breast cancer, and I worked with her through all of  
19 her treatments with cancer, so I'm aware of cancer  
20 and treatments and what have you. And I'm willing  
21 to work through whatever.

22 Q And in your experience, has that diagnosis  
23 of cancer impacted their ability to work?

24 A No.

25 Q And when you first learned of these

1     allegations that Mr. Stepanovich made against you  
2     for firing him due to his disability, how did you  
3     feel about that?

4             A     I was mad. I felt like he knew the type  
5     of person that I am, that there's no way in the  
6     world that I would do that. But obviously he's --  
7     something is -- it just feels like I was betrayed by  
8     a close friend.

9             Q     I don't have anymore questions.

10            MS. WASHINGTON: Noah, do you have some?

11            MR. STORCH: I don't.

12            MS. WASHINGTON: Michelle, we would like  
13     to read and sign.

14            THE COURT REPORTER: Okay.

15            MS. WASHINGTON: And we would like an  
16     expedited copy. Can you get it to us in five  
17     business days, by next Thursday?

18            THE COURT REPORTER: Sure. I can do that.

19            Well, let me make sure, who's ordering the  
20     original?

21            MS. WASHINGTON: We need an original  
22     certified.

23            THE COURT REPORTER: Okay.

24            MS. WASHINGTON: And do you have  
25     electronic? Do you have an order form?

1 THE COURT REPORTER: I'll get it for you  
2 in one second.

3 Mr. Storch, do you need a copy of the  
4 transcript?

5 MR. STORCH: I don't need one right now.

6 THE COURT REPORTER: Okay. Thank you all.

7 (Whereupon, the deposition was concluded at  
8 3:08 p.m. and signature was reserved.)  
9

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## DISCLOSURE

STATE OF GEORGIA:  
COUNTY OF LOWNDES:

Pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter reporting for Memory Reporting, Inc., P.O. Box 453, Blackshear, Georgia 31516, 912-449-8486.

Memory Reporting, Inc. is not disqualified from a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

Memory Reporting, Inc. was contacted by the offices of Richard Celler Legal, PA to provide court reporting services for this deposition.

Memory Reporting, Inc. will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

Memory Reporting, Inc. has no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

Memory Reporting, Inc. will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

A review of the transcript was requested.

---

Michelle Subia, RPR, CCR  
Certificate No. 5817-0834-4721-4080

## 1 CERTIFICATE

2 STATE OF GEORGIA:

3 COUNTY OF LOWNDES:  
4

5 I, Michelle Subia, Certified Court  
6 Reporter, State of Georgia, Certificate No.  
7 Certificate No. 5817-0834-4721-4080, CERTIFY that,  
8 acting in such capacity, I reported the testimony  
9 herein and, on the foregoing pages, have transcribed  
10 a true and correct transcript thereof. A review of  
11 the transcript was requested.

12 I FURTHER CERTIFY that I am not counsel  
13 for, nor am I related to any party to the above  
14 case, nor am I interested in the event or outcome.

15 WITNESS my hand and official seal as  
16 Certified Court Reporter, State of Georgia, this  
17 30th day of January, 2020.  
18  
19  
20  
21

---

22 Michelle Subia, RPR, CCR  
23 Certificate No. 5817-0834-4721-4080  
24  
25



IN RE: Stephanovich vs

I, Kenneth Corbett, the witness

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ERRATA PAGE (Continued)

In Re: Stephanovich vs  
Ken Corbett Farms, LLC

I, Kenneth Corbett, the witness  
herein, have read the transcript of my testimony and  
the same is true and correct, to the best of my  
knowledge, with the exception of the following  
changes noted below, if any:

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\_\_\_\_\_  
Kenneth Corbett

Sworn to and subscribed before me,  
this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

VERITEXT LEGAL SOLUTIONS  
One Biscayne Tower, Suite 2250  
2 South Biscayne Boulevard  
Miami, Florida 33131  
305-376-8800

January 30, 2020

Kenneth Corbett  
c/o DESTINY S. WASHINGTON  
Ford Harrison

271 17th Street NW, Ste. 1900  
Atlanta, Georgia 30363  
dWASHINGTON@fordharrison.com

RE: Stepanovich, Jeffrey -vs- Ken Corbett Farms, LLC

Dear Ms. Washington:

With reference to the deposition of Kenneth Corbett  
taken on 1/23/20 in connection with the above-captioned  
case, please be advised that the transcript of the  
deposition has been completed and is awaiting  
signature.

Please have your client read the transcript and complete  
the errata page. Upon completion, please send the signed  
errata to our office at Two South Biscayne Blvd., Ste. 2250,  
Miami, FL, 33131, or email it to litsup-fla@veritext.com.

If this is not taken care of, however, within the  
next 30 days, we shall conclude that the reading  
and signing of the deposition has been waived and  
the original, which has already been forwarded to  
the ordering attorney, may be filed with the Clerk  
of the Court without further notice.

Sincerely,

Production Department  
Veritext Florida

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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code



Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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